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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 2, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Approval of Minutes** (ACTION ITEM)
   - For the meetings of June 4th and 11, 2008

2. **Approval of Consent Calendar** (ACTION ITEM)
   - Request of the Chief of Police to accept donation of a .223 caliber rifle (SGW brand, serial number C1050) from Officer Mark Lundin for use with the FATS system at the Academy

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Presentation of Third Quarter 2007 Report of Provision of Documents to the Office of Citizen Complaints
      - Department Budget Update FY 08-09
   b. **OCC Director's Report**
      - Review of Recent Activities
      - OCC Budget Update FY 08-09
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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5. **Routine Administrative Business** (DISCUSSION & POSSIBLE ACTION)
   a. Commission Announcements
   b. Discussion and possible action to set the locations of future District Commission Meetings

6. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM.505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

JULY 2, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:51 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Lee
ABSENT: Commissioner Mazzucco

(Commissioner Campos arrived at 6:11 p.m.)

APPROVAL OF MINUTES

- **For the meetings of June 4th and 11, 2008**

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 4-0.

APPROVAL OF CONSENT CALENDAR

- **Request of the Chief of Police to accept donation of a .223 caliber rifle (SGW brand, serial number C1050) from Officer Mark Lundin for use with the FATS system at the Academy** *(Resolution 29-08)*

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 4-0.

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PUBLIC COMMENT

Daniel Landry asked for more detailed minutes. Commissioner Sparks explained that the meetings are available online and that the minutes are meant to be a summary of what happened.

PUBLIC COMMENT

Daniel Landry stated that the Commission should be expanded to nine commissioners and a youth commissioner be added and that a draft of his initiative be adopted.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation of Third Quarter 2007 Report of Provision of Documents to the Office of Citizen Complaints**
- **Department Budget Update FY 08-09**

Chief Fong thanked members of the Department for a job well done during events of last weekend. She went on to highlight some of the great work done by the members of the Department.

Commissioner Sparks thanked members of the Department for their diligent efforts over the weekend.

Lieutenant Dan Mahoney, Legal, presented the 3rd Quarter 2007 Report of Provision of Documents to the OCC. Lt. Mahoney also introduced the Department's new legal processor that will be acting as OCC Compliance Officer.

Mr. Ken Bukowski, Chief Financial Officer, updated the Commission on the Department's budget for fiscal year 2008/2009. Mr. Bukowski stated that the committee compromised to delay the October class by two months and delay the June class by two weeks but keep funding for 150 new recruits at the beginning of the new fiscal year. The committee also looked into captain's positions that can be deleted due to civilianization mainly fiscal, I.T., and human resources. There will be a lateral class of 15 officers beginning

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September 22nd. The next full class will begin most likely January 12, 2009 with 40 recruits, 25 will be airport funded. The next class after that will begin approximately May 18, 2009 with 45 recruits and the following class will begin June 29th with 50 recruits.

Commissioner Sparks asked about change in the command staff. Chief Fong explained that there are two deputy chiefs that are under work order and the Department is working with the two city agencies to determine how the work will continued and she also stated that there is one less commander in the budget which will mean a change in the command staff. Chief Fong also stated that the two work-order Deputy Chief positions are at the Municipal Transportation Authority and one is security director of Public Utilities Commission and the third general fund position is a Commander in the Administration Bureau.

Commissioner Sparks asked about the Commission's staff. Director Bukowski stated that the new director for the Police Commission is still funded for 08/09 and the existing 1822 is still in the budget.

OCC DIRECTOR'S REPORT

- **Review of recent activities**
- **OCC Budget Update FY 08-09**

Director Joyce Hicks talked about mediation and stated that their office is averaging five mediations per month. She also talked about the OCC's outreach efforts.

Director Hicks updated the Commission on the OCC budget for fiscal year 2008/2009. Director Hicks stated that there were no cuts in the OCC's budget and received an increased of $284,000. This increase will allow the OCC to grow from 33.75 positions to 36.75 positions.

COMMISSION REPORTS

- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Sparks announced that David Onek has been approved by the Rules Committee and will be confirmed by the full Board sometime next week.

Commissioner Sparks would like discuss the Commission's priority list for the first week in August.

Commissioner Marshall announced that tomorrow there will be a press conference to unveil the City's new violence prevention plan. Commissioner Marshall asked to have a presentation in regards to this new violence prevention plan.

Commissioner Campos thanked the Chief and the Command Staff for attending a meeting at the Ingleside Station.

Commissioner DeJesus would like to move forward with the analyst position for the Commission office. She will be out of town for two weeks but will work with the Personnel Director to fill positions in the Commission office.

PUBLIC COMMENT

Daniel Landry discussed concerns regarding homicides in the city.
Unidentified discussed concerns.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Discussion and possible action to set the locations of future District Commission Meetings

Commissioner Lee suggested meeting with the faith-based communities and the parents/school communities.

Commissioner Sparks suggested having a meeting specifically dedicated to off-duty officers of SFPD and suggested August, faith based communities, September, SFPD, and October, families, and inner Sunset in July.

Commissioner Sparks would like a presentation on enforcement of quality of life crimes and issues.

PUBLIC COMMENT

Daniel Landry agrees with meeting with faith-based communities and would like to have the Mayor attend the meetings.

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Campos. Approved 5-0.

Thereafter, the meeting was adjourned at 7:55 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 9, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Public Comment**
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2. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Update on Neighborhood Crime Mapping Project
      - Update regarding implementation of recommendations of the Foot Patrol Study
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Items for consideration at future Commission Meetings

(Closed Session)

4. Public Comment on all matters pertaining to Closed Session.

5. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 9, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      Discussion and possible disposition on the disciplinary charges filed in case no. C07-104 ALW (ACTION ITEM)

(Reconvene to **Open Session**)

7. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

8. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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Accessible parking _____

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JULY 9, 2008 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, Lee, Mazzucco, Onek
ABSENT: Commissioner DeJesus

Commissioner Sparks welcomed newly-sworn in Commissioner David Onek. Commissioner Onek introduced himself and gave a brief background about himself.

PUBLIC COMMENT

Barry Tarranto, taxicab driver, commended Sergeant Reynolds for his work with the taxi industry and discussed concerns regarding enforcement of laws against illegal limousines and taxis.

REPORTS TO THE COMMISSION

a. Chief's Report
- **Update on significant policing efforts by Department members**
- **Update on Neighborhood Crime Mapping Project**
- **Update regarding implementation of recommendations of the Foot Patrol Study**

Chief Fong started with highlighting some of the good work by members of the Department. Chief Fong also talked about the violence prevention plan.

Commissioner Sparks asked for a PDF format of the violence prevention plan.

Commissioner Campos would like to know what the department's policy in regards to the Sanctuary City statute.

Commissioner Sparks asked for a presentation with interested groups in regards to the sanctuary statute relative to what's been in the newspapers in regards to immigration issues.

Deputy Chief Keohane addressed the Commission and introduced Lt. Greg Yee and Ms. Jeanne Chisholm to present the update on Neighborhood Crime Mapping Project.

Commissioner Sparks commended the Department on work done on this project and asked that the crime mapping link on the police website be more prominent. She also stated that maybe a press release be put out so that the public is aware that the department is responsive to the public's need.

Deputy Chief Keohane stated that it is always good to have more personnel and that these positions are already on the budget. He also stated that they are currently looking to replace the CIO position and will be interviewing candidates soon.

Commissioner Lee stated that it would be good to get this information to the LEP community and asked that the Department to talk to Mr. Ed Lee, City Administrator, to get the information out to the LEP community.

Commissioner Mazzucco asked how accessible is the information to the officers working in district stations. Lieutenant Yee stated that it is not

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accessible to district stations due to lack of internet access. Commissioner Mazzucco asked how hard is it to get computers and internet access for the officers at the stations. Lieutenant Yee stated that he has limited personnel and that if he is asked to change the priority to internet access to the stations then that would be the priority. Chief Fong stated that it is important to have internet access for all the stations but for now, printing out the information on a daily basis so that officers can have a copy before their shift starts can be done and ultimately internet access will be discussed.

Commissioner Lee asked if volunteers can be help in providing immediate internet access to the district stations. Lieutenant Yee stated he will discuss that with Deputy Chief Keohane.

Commander Murphy presented the update regarding implementation of recommendations of the Foot Patrol Study.

Commissioner Sparks how are the number, locations, and hours of foot beats compare to that which was originally designated before the pilot program period. Commander Murphy stated that it will be fairly consistent as far as locations and times of the beats. He also stated that once all input and information are gathered, the map will be rewritten. Commissioner Sparks stated that once Commander Murphy has all the foot beats, she would like a comparison report as to number of hours by district, number of hours and location of beats prior to the pilot program.

Commissioner Lee asked about cultural competency training for foot beat officers. Commander Murphy stated that training for the foot beat officers come from a variety of resources like SAFE, Mons, District Attorney's Office, City Attorney's Office and community members.

b. OCC Director's Report
- Review of Recent Activities

Director Joyce Hicks reported on three items (1) Performance Plan and Appraisal Report, (2) hiring 8124 Investigators, and (3) 2008 Second Quarter Report. Ms. Hicks asked that a commissioner meet with her to discuss her proposed performance plan. Commissioner Sparks stated that she has asked Commissioner DeJesus to discuss the plan with Director Hicks. Director Hicks also stated that she will be presenting the 2008 Second Quarter report on August 6th.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Sparks stated she has no report this evening.

Commissioner Marshall thanked the Chief and the Command Staff for their support during the press conference and in putting the crime prevention plan together.

Commissioner Mazzucco thanked the Chief for fighting for the department's budget.

PUBLIC COMMENT

Unidentified apologized to the Chief for what he said at last week's meeting and thanked the Commission and the Department.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcement
b. Items for consideration at future Commission Meetings

Lieutenant Reilly announced that the district meeting will be on July 30th, at St. Anne's Parish, 850 Judah, at 6:00 p.m.

Commissioner Lee asked if the faith-based community meeting be postponed for September.

Commissioner Sparks asked that the priority list be distributed so that it can be discussed for the first meeting in August.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Commissioner Sparks asked that individual speakers not to identify individual involved in this matter.

Captain Corrales stated that the officer in question was partner to Officer Jon Cook who died in the line of duty. Captain Corrales stated that less than two months later, the officer was back to work and was forced to use deadly force on a suspect. Captain Corrales stated that this officer is an excellent officer. He asked that the officer be given one last chance.

Captain Jimenez concurred with Captain Corrales and spoke on behalf of the officer involved. He spoke of the officer's dedication to the city and the department.

Lieutenant Militello stated that she believes that the department has failed the officer involved and that the department has not done enough for this officer. Lieutenant Militello stated that the officer involved is one of her hardest working officer in her platoon and asked the Commission to give the officer one last opportunity.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Mazzucco.

CLOSED SESSION (7:50 p.m. to 9:20 p.m.)

a. Discussion and possible disposition on the disciplinary charges filed in case no. C07-104 ALW

(Present were Commissioners Sparks, Marshall, Campos, Lee, Mazzucco, Onek, Chief Fong, Deputy City Attorney Stump, Lieutenant Reilly, Attorney Wagner, Attorney Brass, and officer involved.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Mazzucco for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Campos, second by Commissioner Mazzucco. Approved 6-0.

Commissioner Sparks asked that the meeting be adjourned in memory of Officer Jon Cook.

Thereafter, the meeting was adjourned at 9:21 p.m.

Joseph Reilly

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 16, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Approval of Minutes**(ACTION ITEM)
   - For the meetings of June 25, 2008 and July 2, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Presentation of the Officer-Involved Shooting Investigation Status Summary
      - Proposed range requalification guidelines
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
      - Presentation of the Police Commission's Quarter Report of Closed Session Disciplinary Actions (Veronese Resolution)
      - Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)

4. Discussion and possible action to adopt a vision statement for the San Francisco Police Department (ACTION ITEM)

5. Routine Administrative Business (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed in case no. C08-015 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Items for consideration at future Commission Meetings

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 16, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(Closed Session)

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible disposition on the disciplinary charges filed in case no. C07-104 ALW (ACTION ITEM)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to grant or deny joint motion for dismissal of disciplinary charges filed in Case No. C03-148 CCL (ACTION ITEM)

(Reconvene to **Open Session**)

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Taraval District, at St. Anne Parish Auditorium, 850 Judah Street, San Francisco, at 6:00 p.m., on Wednesday, July 30, 2008, to hear comments from the public and Taraval Station Captain Paul Chignell concerning public protections issues in the Taraval District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

JOE ALIOTO VERONESE
Commissioner

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

JULY 16, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton Goodlett Place, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Mazzucco, Onek
ABSENT: Commissioner Lee

APPROVAL OF THE MINUTES

- **For the meetings of June 25, 2008 and July 2, 2008**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

PUBLIC COMMENT

Jeanette Berger discussed concerns regarding foot patrol.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation of the Officer-Involved Shooting Investigation Status Summary**
- **Proposed range requalification guidelines**

Assistant Chief Lynch, for Chief Fong, updated the Commission on significant policing efforts by Department members.

Sergeant Joe McFadden and Sgt. Mike Nevin presented the OIS status summary. Commissioner Sparks thanked Sgt. McFadden and Sgt. Nevin for the work that they have done. Commissioner Marshall thanked Sgt. McFadden and Sgt. Nevin for their work.

Deputy Chief Keohane presented the proposed range requalification guidelines. This proposed guidelines will be issued as an A priority Department Bulletin in effect for two years from the date of issuance.

Commissioner Sparks asked how can this policy be placed as a general order format so that it does not expire. Assistant Chief Lynch explained stated that it can be worked through DGO 10.02 change but to get it started, it is issued as a bulletin.

Commissioner Campos would like a presentation from the Department as to the role of officers in foreclosures. Commissioner Campos would also like to know what feedback the Department is getting as far as the city's sanctuary status. Commissioner Sparks stated that the policy change is as it relates to juveniles. Chief Lynch stated that there has been no change in the Department's policy and any changes will be brought forth before the Commission.

Commissioner DeJesus stated that she would like to see how the changes that the Mayor made in the sanctuary policy is affecting the Department's role in implementing the Mayor's change in policy.

b. OCC Director's Report

- **Review of Recent Activities**

Director Hicks addressed mediations, pending cases, and outreach. Ms.

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Hicks stated that 35 complaints have been mediated. Ms. Hicks also stated that for the month of July, OCC as opened 31 cases and closed 42. To date, OCC has opened 568 cases and closed 614 and there are 419 pending cases.

c. Commission Reports

- **Commission President's Report**
- **Commissioners' Report**
- **Presentation of the Police Commission's Quarter Report of Closed Disciplinary Actions (Veronese Resolution)**
- **Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)**

Commissioner Sparks stated she has nothing to report. No Commissioners' report.

Captain Gonzalez and Ms. Samara Marion presented the Quarterly Policy Proposals Report.

Commissioner Sparks asked about DGO 2.02, Alcohol Use by Members. Captain Gonzalez stated that Lt. Moser is working on collecting best practice information.

Commissioner Sparks would like DGOs 3.16, 8.09, 8.12, and 11.07 be on the priority list for general orders. Commissioner Sparks also asked that 10.02, Range Qualifications, be added to the DGO list.

PUBLIC COMMENT

Tammy Bryant, Western Addition resident, discussed concerns regarding the Department working with ICE.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A VISION STATEMENT FOR THE SAN FRANCISCO POLICE DEPARTMENT

Ms. Katherine McGuire and Ms. Peg Stevenson, Controller's Office, presented the vision statement.

Commissioner Onek asked about having an implementation team even before the report is finalized. Assistant Chief Lynch stated that an implementation team is in the works. Commissioner Sparks asked that some high ranking command staff be included to keep things moving.

Commissioner DeJesus asked if the "About the Vision Statement" portion will be included and/or attached to the Vision Statement because of the word "transparency." Ms. McGuire stated that the Vision Statement will be posted on the website.

Commissioner Campos asked if communities with limited English were asked for feedback. Ms. McGuire stated that the online tool were translated in Russian, Spanish, and Russian, and they've reached out to organizations that commissioners provided and reached out to captains and a lot of different groups in order to identify organizations that served all types of people.

Assistant Chief Lynch explained that the vision statement is a foundation on how the Department will move forward to implement the recommendations of the three studies that are being undertaken as well as studies that are currently in place as far as they deal with department practices. This document was built with input from the Police Department and from the community.

Commissioner Campos asked if the language about "the Police

Department being a part of our community" be added to the vision statement. Also the words "state-of-the-art resources" be added to the last paragraph.

Commissioner Campos asked if the vision statement meant to reflect the current state of things or how things should actually be. Craig, PERF, stated that a vision statement is where the Department is trying to go.

Commissioner DeJesus expressed concern regarding transparency. Commissioner Campos stated that a vision statement should be explained that a vision statement is an aspiration.

Commissioner Sparks suggested that a statement be added in the "about" section of the vision statement stating that current law within the state of California restricts absolute transparencies based on Supreme Court decision.

Commissioner Mazzucco suggested that the language should read "pursuant to California Supreme Court law and strive to transparency within the rights of the officers and the rights of the public to know."

Commissioner Sparks suggested just adding it in the "about" section of the Vision Statement and suggested the following changes: Paragraph 3: "... adhere to the highest standards and reflect the diversity and a part of the community it serves," and in the "about statement" adding statement suggested by Commissioner Mazzucco. Assistant Chief Lynch suggested that instead of "Supreme Court decision" to change it to something like "within the context of current case law."

Commissioner Sparks suggested that in the "about" section under Developing a Workforce ... that would be definitive as far as how San Francisco defines diversity within its community.

PUBLIC COMMENT

Steve Currier, part of task force, expressed concern that the presentation was disturbed with comments before it was presented and stated that comments made should be dissected by the task force. Mr. Currier stated that he hopes that statements made be put in writing and a copy sent to the task force.

Commissioner Sparks explained that the document presented tonight is a compilation of input from the Citizen's Advisory Committee, the POA, from employee groups, from focus groups, people inside and outside the Department, and the purpose was to get comments from it and that the Commission then takes it into consideration, make a determination, and vote on a vision statement which then is the policy statement from the Commission as far as a vision going forward for the Department. Commissioner Sparks added that this is the end of a very extensive process but it is not a meet-and-confer.

Ms. Stevenson stated that the statement will go out on the Department's website. It will go out as a bulletin to the Department and they anticipate emailing it to all of the people in the outreach database so that people involved in the beginning will see it again.

Barbara Growth discussed concerns.

Motion by Commissioner Campos, second by Commissioner Marshall to adopt the Vision Statement with amendments to the "about" section. Approved 6-0.

RESOLUTION NO. 30-08

APPROVAL TO ADOPT VISION STATEMENT FOR THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby adopts a vision statement for the San Francisco Police Department, stated as follows:

The San Francisco Police Department
Vision Statement

The San Francisco Police Department is committed to being a world-class police department and a leader among urban police departments by hiring and promoting talented officers and professional staff, employing the highest standards of performance, best practices in policing, and accountability, and reflecting the values of the world-class city it serves.

San Francisco has an international reputation for its commitment to human values: compassion, fairness, diversity, human rights, and justice. These values must be at the forefront of the SFPD as it fulfills its public safety mission.

The San Francisco Police Department strives to adhere to the highest standards and reflect the diversity of its community members. The people of our communities and members of the Police Department must be united in their commitment to addressing crime, violence, and quality-of-life issues by engaging one another and all city agencies in problem-solving partnerships.

Police strategies and tactics must be driven by accurate, timely and reliable information supplied by current and emerging technologies and supported by the Department's systematic engagement of all of San Francisco's diverse neighborhoods.

The Police Department strives to maintain the trust of San Francisco community members by actively engaging with the neighborhoods it serves. The Police Department seeks to make its policies and operations as open as possible. When there are complaints involving the police department, both the public and the police are best served by a system of accountability that is expeditious and fair to all involved.

To make this vision a reality, the Police Department must reward the hard work, ingenuity, and resourcefulness demonstrated by its employees, and must offer state-of-the-art training, development and career opportunities for advancement and retention. This will ensure that employees see the Police Department as a lifelong career and strive to become the department's next generation of leaders.

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Mazzucco, Onek
ABSENT: Commissioner Lee

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of disciplinary charges filed in case no. C08-015 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution 31-08, Assigned to Commissioner Onek)

b. Items for consideration at future Commission Meetings

Lieutenant Reilly announced that the district meeting will be on Wednesday, July 30th, at 6:00 p.m., in the Taraval District, at St. Anne's Parish Auditorium, 850 Judah Street.

Commissioner Sparks also stated that there will be no meeting next week due to Law Enforcement Day. Commissioner Sparks also stated that reassignment of Commissioner Veronese's disciplinary cases will be read into the record at the next meeting. Also the priority list will be on the agenda for August 6th meeting.

PUBLIC COMMENT

Barbara Growth discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING IN CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 6-0.

CLOSED SESSION (8:20 p.m. to 8:49 p.m.)

a. **Discussion and possible disposition on the disciplinary charges filed in case no. C07-104 ALW** (Resolution No. 32-08)

b. **Discussion and possible action to grant or deny joint motion for dismissal for disciplinary charges filed in case no. C03-148 CCL** (Resolution 33-08)

(Present were Commissioners Sparks, Marshall, Campos, DeJesus, Mazzucco, Onek, Chief Fong, Lieutenant Reilly, Deputy City Attorney Stump, Attorney R. Wagner, Attorney A. Brass, Attorney C. Gray, Attorney P. Furst)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Mazzucco for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Onek. Approved 6-0.

Thereafter, the meeting was adjourned at 8:50 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

DR. JOE MARSHALL
Vice President

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Commissioner

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

Lieutenant Joe Reilly
Secretary

July 18, 2008

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cancelled

Notice of Meeting Cancellation

The Police Commission will not meet on Wednesday, July 23rd, 2008.

Please join the Commission at its next meeting, Wednesday, July 30th, 2008 at 6:00 p.m.
St. Anne's Parish Auditorium, 850 Judah St., San Francisco

07-10-08P04:30 RCVD

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The Police Commission

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THOMAS P MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 30, 2008
6:00 p.m.
Taraval District
St. Anne Parish Auditorium
850 Judah St., San Francisco

Roll Call; Pledge of Allegiance

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Presentation re: Implementation of the recommendations of the Community Policing Advisory Committee
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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2. Captain Paul Chignell, Commanding Officer of Taraval Station, to address the Commission on Police Activities in the Taraval District (DISCUSSION ONLY)

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in disciplinary case no. C03-094 JWA , as the officer has retired from the Department. Said disciplinary charges will be placed back on calendar should the officer be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

5. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
   b. Items identified for consideration at future Commission Meetings

6. **Adjournment**

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking Available

For information about the meeting call 415 553 1667 **(v) or** _____ **(tty)**

JULY 30, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Taraval District, St. Anne's Parish Auditorium, 850 Judah Street, San Francisco, at 6:18 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek
ABSENT: Commissioner Campos
(Commissioner Marshall arrived at 6:25 p.m.)

Commissioner Sparks welcomed the community and asked the Commissioners to introduce themselves.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members
- Presentation re: Implementation of the recommendations of the Community Policing Advisory Committee

Chief Fong welcomed the community and introduced the Command Staff. Present were Assistant Chief Lynch, Deputy Chiefs Tabak, Keohane, Commanders Harper, Murphy, Lindo, and Tong.

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Chief Fong talked about National Night Out which will be on Tuesday, August 5th. This will be the third year where all District Stations will have an event and encouraged the community to attend. Chief Fong then deferred her report to Captain Chignell.

Lieutenant Charlie Orkes presented the report regarding the implementation of the recommendations of the Community Policing Advisory Committee.

Commissioner Sparks asked if there is an ongoing community advisory committee that meets annually with the Department to give recommendations. Lt. Orkes stated the Department will be working with the Community Policing Advisory Committee to assist the Department in bringing ideas into Department policies.

Commissioner Sparks asked about captain's rotations. Chief Fong stated that it is to give people the opportunity to move around and to bring their skills to different assignments. Chief Fong also explained that the goal is to have the community be the driving force for community policing in every district so that if members of the department are moved, the community policing program does not fall apart.

Commissioner Lee asked about the ROTC Program and asked if part of the ROTC program can be merge with the academy and asked the lieutenant if he can take a look at the program and start working with the school district.

Commissioner DeJesus stated she would like to see what the job description is and the training that's been developed for beat officers.

Commissioner Mazzucco asked about a 10-week hands on youth police academy and asked how many students are participating and how many time do they meet. Chief Fong stated that it is a Community Policing Academy for young people as well as anyone in the neighborhood. The Chief explained that it is a curriculum where members of the public could come and sit through various courses similar to what recruits are exposed to.

Commissioner Onek asked about the Community Policing Advisory

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Committee and asked how many members are in the committee and how were they selected. Lieutenant Orkes stated that they were selected by the Commission, Board of Supervisors, and different entities throughout the city. There were 24 members including Deputy Chief Shinn, Captain Ehrlich, and Lt. Orkes and they met for about eight months.

b. OCC Director's Report
- Review of Recent Activities

Director Joyce Hicks described the duties and responsibilities of the Office of Citizen Complaints.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Mazzucco announced that last Wednesday night was Law Enforcement Night at the ball park. Commissioner Mazzucco thanked the Police Officers Association for providing transportation., escorts, and tickets for the families of police officers who recently loss their lives in the line of duty.

PUBLIC COMMENT
None

CAPTAIN PAUL CHIGNELL, COMMANDING OFFICER OF TARAVAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TARAVAL DISTRICT

Captain Paul Chignell addressed the Commission on police activities in the Taraval District.

Commissioner Sparks commended the men and women of Taraval who responded to the zoo incident.

Commissioner Sparks announced that crime statistics in regards to individual neighborhoods are posted online and can be accessed by the public. She then went on to ask about increase in part I and II crimes in the inner Sunset. Captain Chignell stated there were 3 homicides in the Sunset. He also stated there was a substantial increase in burglaries. He stated that beat officers are assigned on Irving Street and he attributes the increase due to the series of burglaries this year and that one arrest has been made.

Commissioner Marshall asked about a feedback loop in order to get resources to solve the problem. Captain Chignell stated that at the captains' meeting with FOB they are constantly talking and exchanging information. Captain Chignell also stated that he works with adjacent captains around the district.

Commissioner Onek asked the Captain, since he is fairly new in the Taraval District, how he took the community policing philosophy from Ingleside and implement it to his new district. Captain Chignell stated that it's communicating with people, getting out immediately and meeting with community leaders, being visible as you can in the merchants corridors, addressing the lineup with all the officers to get the officers to know the face of the new captain, and to meet with the lieutenants and sergeants to let them know what your expectations are. Captain Chignell also stated that he likes to enhance the productivity and to do that you have to support the officers. He also stated that the daily emails is one of the best tools because it gets the community to communicate with the station.

Commissioner Onek asked about the focus on traffic violations as opposed to violent crimes. Captain Chignell stated because the community expects that from the Department to enhance traffic safety and he stated that in a 10-hours shift, an officer can write a couple of citations and still be involve in visible patrol.

Commissioner Lee stated that the district is a very diverse district and asked about the gender and racial breakdown of supervisors in the district station. Captain Chignell stated that all four lieutenants are white males and there are a numbers of female and minority sergeants.

Supervisor Sean Elsburnd addressed the Commission and commended Captain Chignell and the men and women of Taraval Station.

PUBLIC COMMENT

Jim Salinas, Sr., discussed concerns regarding two shootings in the Mission District and discussed concerns regarding the action on one police officer when a witness tried to talk to the officer about what was seen.

Commissioner Sparks would like to have a community forum in regards to the incident. Chief Fong responded and stated that she has talked with the community member and in regards to the incident that Commissioner Salinas spoke of, she offered the formal process that the department has or a process by which the station could get to know the community member as well as the staff who works there and the desire was to follow up with the station. She stated that she will follow up on this matter.

Commissioner Marshall suggested having the subcommittee's meeting in the Mission.

Commissioner DeJesus stated she would like to attend the meeting with the Chief and the Captain of Mission Station.

Van Singh, outer Sunset merchant, thanked the Chief for sending Captain Chignell to Taraval District.

Cindy Branden, SAFE, commended Captain Chignell and the members of Taraval District for their work with SAFE and neighborhood watch.

Jeanette Berger commended Captain Chignell.

David Fergurson, District 4, discussed district boundaries.

Commissioner Sparks talked about the different studies in progress.

Mary Harris , OMI Neighborhood In Action, stated her and her husband graduated from the citizen's academy and recommended that everyone attend and stated that it totally changed her perspective on how it like to be a police officer.

Michael, aide to Fiona Ma, thanked Captain Chignell and thanked him for his daily emails.

Unidentified asked how many gangs are in the Sunset and the locations. Captain Chignell stated he his not aware of any organized gangs in the Sunset. She also asked about panhandling. Captain Chignell stated that he encourages citizens to call the department about any type of quality of life issues.

Ada Buick, Inner Sunset resident, discussed concerns regarding the change of Captains but stated that with the daily emails she is able to appreciate the change.

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN DISCIPLINARY CASE NO. C03-094 JWA, AS THE OFFICER HAS RETIRED FROM THE DEPARTMENT. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE

COMMISSION IN THE FUTURE
(Resolution No. 35-08)

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 6-0.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Items identified for consideration at future Commission Meetings

Commissioner Sparks stated that Priority list will be sent out this week.

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Marshall. Approved 6-0.

Thereafter, the meeting was adjourned at 8:20 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

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THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 6, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meetings of July 9th and 16, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation of 2nd Quarter 2008 Firearm Discharge Review Board Findings and Recommendations
   b. OCC Director's Report
      - Review of Recent Activities
      - Presentation of the OCC's Second Quarter 2008 Statistical Report
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Discussion and possible action to adopt revised Department General Order 6.16, "Sexual Assaults" (ACTION ITEM)

5. Update re: Lease Agreement with a right to purchase property for the property on 1700-1740 17th Street and 1415 16th Street for use by the San Francisco Police Department Tactical Company (DISCUSSION ONLY)

6. Update Presentation by Dr. Lorie Fridell on the work of the Fair and Impartial Policing Advisory Group (DISCUSSION ONLY)

7. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
      - Removal of Disciplinary Case No. C04-082 JWA from Commission docket
      - Assignment of disciplinary charges filed in case no. C08-127 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings (ACTION ITEM)
      - Discussion re: The Commission's Priority List
      - Setting of the location for the August District Meeting

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 6, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. Public Comment on all matters pertaining to Closed Session.

9. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

10. Closed Session

    a. Pursuant to Government Code sections 54957(b), and S.F. Administrative Code sections 67.10(b), Penal Code 832.7:
    Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case Nos. C03-144 CCL, C03-146 CCL, C03-147 CCL (ACTION ITEM)

    b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
    CONFERENCE WITH LEGAL COUNSEL
    J. Hadley Louden v. Sgt. Deen Sorgie, et al, United States District Court No. C06-4762

(OPEN SESSION)

11. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

12. Approval of Consent Calendar (ACTION ITEM)
    a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
    J. Hadley Louden v. Sgt. Deen Sorgie, et al, United States District Court No. C06-4762

13. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

AUGUST 6, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:52 p.m., in a Regular Meeting

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco
ABSENT: Commissioner Onek

ADOPTION OF MINUTES

- **Regular Meetings of July 9th and 16, 2008**

Motion by Commissioner Campos, second by Commissioner Mazzucco. Approved 6-0.

PUBLIC COMMENT

Terrell Hunter discussed concerns regarding an incident with Officer Reese Burrows at Pierce and Eddy Streets on July 31st, between the hours of 3 p.m. and 4 p.m.

Frank, Northbeach resident, discussed concerns regarding weekend nights in the area of Montgomery and Green Streets.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation of 2nd Quarter 2008 Firearm Discharge Review Board Findings and Recommendations**

Chief Fong highlighted some of the great work done by officers of the Department.

Sergeant Mike Nevin, Management Control Division, presented the 2nd Quarter Firearm Discharge Review Board findings and recommendations.

Commissioner Marshall expressed concern regarding the incident brought forward by Mr. Hunter. Chief Fong stated that she could schedule a presentation in regards to consensual encounters if it would be helpful.

Commissioner Campos would like to see the number of people stopped for no reason and their racial background. Chief Fong stated that there is no mechanism right now to get that kind of statistics.

Commissioner Campos asked about an incident where a 14-year old student was stabbed by another student and asked if the family has been contacted. Chief Fong stated that the family has been contacted by the homicide inspector and that she personally, through an interpreter, spoke with the family to assure the family that the inspectors are working diligently on this case.

Commissioner Sparks would like a presentation as to who determines whether or not an incident that results in a death of a victim is or is not a homicide.

b. OCC Director's Report

- **Review of Recent Activities**
- **Presentation of the OCC's Second Quarter 2008 Statistical Report**

Director Hicks addressed mediation and outreach. She stated that to date 40 OCC complaints have been mediated. She also reported that in terms

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of outreach, she and OCC representatives went to five district stations for National Night Out. They visited events sponsored by the Bayview, Mission, Northern, Tenderloin, and Ingleside Stations.

Commissioner Lee asked about training to be a mediator and how qualified are they to become objective mediators. Director Hicks stated that she will report back next week with the information.

Director Hicks presented the second quarter 2008 Statistical Report.

Commissioner Sparks asked about caseloads by investigators. Director Hicks stated that she meets with the Chief Investigator and Senior Investigator to discuss management of caseloads. She also explained that performance plans were not in place when she took over as Director but they are in place now.

Commissioner Sparks also asked about the policy analyst. Director Hicks stated that Ms. Samara Marion is taking a one-year leave of absence and that they are working to backfill the position.

Commissioner Mazzucco thanked Director Hicks for the great job that she is doing with the OCC and commended her on her mediation program.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Sparks reported that she been working with the Controller's Office trying to put together a program and funding to have an outside consultant to review patrol specials. She stated that the study will take about three to four months. She asked for two commissioners to manage the report and/or audit of this report.

Commissioner Marshall reported regarding the "Call-in" Program. Commissioner Marshall also thanked the Chief for her response in regards to the last subcommittee's meeting. The Chief will send an electronic copy to go out to the Captain for his newsletter.

Commissioner Sparks congratulated Commissioner Marshall and the Omega Boys Club for their recent graduates.

Commissioner Campos asked about the Sanctuary City Ordinance. Commissioner Sparks stated that she's planning to have a hearing with the Juvenile Probation Commission on Enforcement of the Sanctuary City Policy on August 20th.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 6.16, "SEXUAL ASSAULTS"

Lieutenant Dan Leydon, Sexual Assault Unit, presented revised DGO 6.16.

Commissioner Lee suggested some language change to the general order, as follows:

Section A.3: ... In all cases the Commanding Officer of the Sex Crimes Detail and the Commanding Officer of the Domestic Violence Response Unit

shall meet and confer....

Section A.3.b.: In cases of (delete the word "severe") domestic violence, e.g.; *physical injuries of any sort* ...

Section A.3.d.: In cases of an allegation of both sexual assault and (delete the word "severe") domestic violence ...

Commissioner Mazzucco requested "great bodily injury" instead of language requested by Commissioner Lee.

PUBLIC COMMENT

None

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 6-0.

RESOLUTION NO. 36-08

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 6.16, "SEXUAL ASSAULTS"

RESOLVED, that the Police Commission adopts revised Department General Order 6.16, "Sexual Assaults" as amended.

SEXUAL ASSAULTS

This order establishes policies regarding investigations of sexual assault cases involving both adults and juveniles, and includes procedures for investigating, gathering evidence, obtaining medical treatment, and preparing incident reports.

I. POLICY

A. INVESTIGATIVE RESPONSIBILITIES.

1. The Special Victims/Child Abuse Section of the Juvenile Division is responsible for the investigation of any type of sexual abuse, sexual assault or sexual molestation involving a victim under 14 years of age. The Child Abuse Section is also responsible for the investigation of any type of sexual assault, sexual battery or unlawful intercourse involving a victim between the ages of 14 and 17 when the perpetrator is a family member or in a position of trust with respect to the victim, i.e. coach, teacher, care-provider, trusted family friend. Special Victims/Child Abuse Section also handles incest cases involving a victim under 18.

2. The Sexual Assault Section of the Investigations Bureau-Bureau of Inspectors is responsible for the investigation of any type of sexual assault, sexual battery or incest involving a victim 18 years of age or older. The Sexual Assault Section is also responsible for the investigation of any type of sexual assault, sexual battery, or unlawful intercourse involving a victim between the ages of 14 to 17 when the perpetrator is not a family member or adult in a position of trust with respect to the victim, i.e., stranger, boyfriend, acquaintance, etc. In rape cases with more than one

victim, if victims are both under and over 14 years of age, assignment will be made on a case-by-case basis.

3. The Domestic Violence Response Unit and the Sex Crimes Detail may be assigned the investigation of cases when an individual alleges being the victim of both sexual assault and domestic violence. In all cases the Commanding Officer of Sex Crimes Detail and the Commanding Officer of the Domestic Violence Response Unit ***shall*** meet and confer. The Commanding Officers may assign the investigation to the detail best suited for a successful investigation and prosecution. The protocol for Investigative Detail assignment is, as follows:

   a. If the crime(s) occurred within 72 hours of being reported the case will be assigned to the Sex Crimes Detail.

   b. In cases of domestic violence ***involving*** life threatening ***injury or great bodily injury***, the case will be assigned to the Domestic Violence Response Unit.

   c. In cases when the subject alleges a sexual assault which occurred four or more days prior and a more recent allegation of domestic violence is alleged, the case will be assigned to the Domestic Violence Response Unit.

   d. In cases of an allegation of both sexual assault and domestic violence, an Inspector from Sex Crimes and Domestic Violence Response Unit may be assigned to work together on the investigation.

II. PROCEDURES

A. FORENSIC EXAMINATION AND MEDICAL TREATMENT

1. JUVENILES. Sexual assault victims under 18 years of age will be taken to San Francisco General Hospital as follows:

   a. To the Pediatrics Outpatient Clinic, 6th floor, Main Building, during business hours, or

   b. The Emergency Department at all other times.

2. ADULTS. Sexual assault victims 18 years of age or older will be taken to San Francisco General Hospital Emergency Department.

B. PRELIMINARY INVESTIGATION AND COLLECTION OF EVIDENCE/RESPONSIBILITIES OF REPORTING OFFICER

1. EVIDENCE COLLECTION. In addition to conducting a preliminary investigation, respond to the crime scene and collect evidence (see DGO 6.02, Physical Evidence). Each item of evidence must be placed in a separate property envelope (one item per envelope), including

evidence taken from the suspect. Do not leave any evidence with the nurse or doctor examining the victim; however, slides and swabs used for semen testing and sperm detection collected by the medical staff will be preserved and retained at SFGH.

2. NOTIFICATIONS

a. Notify the Crime Scene Investigations Unit when specialized techniques are required to collect and preserve evidence, e.g., blood, semen, fingerprints, or evidence that cannot be practically packaged.

b. Notify the Child Abuse Section or the Sexual Assault Section as appropriate. Notify Operations Center after business hours. Notifications to the Investigative Details or Operations Center should be made as soon as practical to ensure an expeditious response by the on-call inspector(s).

3. OTHER DUTIES/SERVICES

a. If requested, provide the victim with transportation to his/her residence or another appropriate location within San Francisco.

b. Give the victim the incident case number along with a Victim of Violent Crime Notification form (see DGO 6.19, Victim of Violent Crime Notification).

C. INCIDENT REPORTS, INTERVIEWS AND RECORDS

1. STATEMENTS. In cases involving victims under 18 years of age, information may be taken from the doctor or nurse examining the victim if interviewing the victim is impractical and there is an extended delay for the medical examination.

2. INCIDENT REPORT. When a Child Abuse Section Investigator responds on a case to conduct the investigation, he or she is responsible for making the initial report. Child abuse investigators may require the responding officers to submit an initial or supplementary report indicating initial information reported to police, observations, statements, evidence, and other related information. If, however, the investigator determines that an immediate interview of the victim is not practical or warranted (due to the child's age, time of night, etc.), he/she may request that the patrol officer complete the initial incident report. In all other cases, the patrol officer shall complete the initial report.

3. CONFIDENTIALITY OF PUBLIC RECORDS. Penal Code Section 293, requires that you inform the victim that her/his name will become public record unless she/he requests that it not. Indicate in the incident report that you have advised the victim, and indicate the victim's response. Also see DGO 3.16, Release of

Police Reports. All confidential reports shall be stamped in red (CONFIDENTIAL).

4. MEDICAL REPORT. In cases involving victims 18 years of age or older, place the medical examination report in a plain envelope, write the case number on the face, and forward it to the Sexual Assault Section. Medical examination reports of victims under 18 years of age will be retained by the medical staff and forwarded to the Juvenile Division or the Sexual Assault Section.

D. AIRPORT BUREAU OPERATIONS

Airport Bureau members shall follow Airport Bureau General Orders and San Mateo County protocols.

(Flow chart to assists members in determining case assignment for sexual assault incidents is included with the general order.)

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco
ABSENT: Commissioner Onek

UPDATE REGARDING THE LEASE AGREEMENT WITH A RIGHT TO PURCHASE PROPERTY FOR THE PROPERTY ON 1700-1740 17TH STREET AND 1415 16TH STREET FOR USE BY THE SAN FRANCISCO POLICE DEPARTMENT TACTICAL COMPANY

Commander Sandra Tong presented the update regarding the lease agreement along with Director Amy Brown, Director of Real Estate for the City.

The Commission expressed concern that it is bad timing for the Department to start a lease due to pending studies regarding district boundaries and the recommended closure of district stations.

Commissioner DeJesus stated that timing is the issue and asked if an early termination clause can be added to the lease.

PUBLIC COMMENT

Sharon Madsen, property owner, expressed her support for the lease and thanked the Department for police presence.

UPDATE PRESENTATION BY DR. LORIE FRIDELL ON THE WORK OF THE FAIR AND IMPARTIAL POLICING ADVISORY GROUP

Dr. Lorie Fridell presented the update in regards to the Fair and Impartial Policing Advisory Group.

Commissioner Sparks asked about psychological testing as it relates to gay, lesbian, transgender, and minority recruits and if these are being reviewed. Dr. Fridell stated she will look into it.

Commissioner Sparks stated that the community needs to be part of the process in an ongoing process and not just in the initial review process. Commissioner Sparks stated that there should be training for both the officers and the community.

Commissioner Marshall stated that he hopes that this is an ongoing

process for the Department and the community.

Chief Fong thanked the many members of the Department who have helped while Dr. Fridell was her. Chief Fong also acknowledged Mr. Greg Murphy and Mr. John Dineen who were part of the advisory group.

Mr. Kevin Blackwell, advisory group member, addressed the Commission.

Mr. Greg Murphy, Commission on POST, addressed the Commission.

Commissioner Lee suggested that presentations like this should be done in district meetings to give the community an opportunity to hear about it.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**
   - **Removal of Disciplinary Case No. C04-082 JWA from Commission docket** (Resolution No. 37-08)
   - **Assignment of disciplinary charges filed in case no. C08-127 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 38-08)

b. **Scheduling of items identified for consideration at future Commission meetings**
   - **Discussion regarding the Commission's Priority List** (Put over to the first meeting in September.)
   - **Setting of the location for the August District Meeting**

RESOLUTION NO. 39-08

SETTING THE LOCATION OF DISTRICT COMMISSION MEETING FOR THE MONTH OF AUGUST

RESOLVED, that the following District Meeting in August will be held in the Mission District.

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco
ABSENT: Commissioner Onek

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

CLOSED SESSION (9:14 p.m. to 9:40 p.m.)

a. **Discussion and possible action to accept or reject stipulated disposition of disciplinary charges filed in case nos. C03-144 CCL, C03-146 CCL, C03-147 CCL** (Resolution Nos. 40-08, and 41-08)

Case No. C03-147 CCL put over to next week's meeting.

(Present: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Chief Fong, Lt. Reilly, Deputy City Attorney Rebecca Katz, Attorney Cecily Gray, Mr. Steve Johnson)

b. J. Hadley Louden v. Sgt. Dean Sorgie, et al., United States District Court No. C06-4762

(Present: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco, Chief Fong, Lt. Reilly, Deputy City Attorney Rebecca Katz)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner DeJesus for non disclosure. Approved 6-0.

APPROVAL OF CONSENT CALENDAR

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
J. Hadley Louden v. Sgt. Dean Sorgie, et al., United States District Court No. C06-4762

Motion by Commissioner Campos, second by Commissioner DeJesus. Approved 6-0.

RESOLUTION NO. 42-08

J. HADLEY LOUDEN v. SGT. DEAN SORGIE, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "J. Hadley Louden v. Sgt. Dean Sorgie, et al.," in United States District Court No. C06-4762, be, and the same is hereby approved.

Date of Incident: May 29, 2005

AYES: Commissioners Sparks, Marshall, Campos, DeJesus, Lee, Mazzucco
ABSENT: Commissioner Onek

ADJOURNMENT

Motion by Commissioner Campos, second by Commissioner DeJesus. Approved 6-0.

Commissioner Sparks made the following statement: " .... also, I would like to adjourn in memory of Officer Larry Murdock who served at the Richmond Station. He served the City of San Francisco as police cadet, a police dispatcher, and became an SFPD officer August 15, 1977 as the member of the 129th Recruit Class. Officer Murdock died unexpectedly on August 1st this year in his residence, and I would like to adjourn in his memory. Thank you."

Thereafter, the meeting was adjourned at 9:42 p.m. in memory of Officer Larry Murdock.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 13, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meeting of July 30, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Report regarding San Francisco's Violence Prevention Plan (DISCUSSION ONLY)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Reassignment of Disciplinary Case No. C07-023 to Commissioner Onek
      - Reassignment of Disciplinary Case No. C08-030 to Commissioner Onek
      - Reassignment of Disciplinary Case No. C07-076 to Commissioner Onek
   b. Scheduling of items identified for consideration at future Commission meetings

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. Closed Session

   a. Pursuant to Government Code sections 54957(b), and S.F. Administrative Code sections 67.10(b), Penal Code 832.7:
      Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C03-147 CCL (ACTION ITEM)

The Police Commission

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LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 13, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION)

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

AUGUST 13, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 6:21 p.m. , in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Lee, Mazzucco
ABSENT: Commissioners Campos, DeJesus, Onek

ADOPTION OF MINUTES
- **Regular Meeting of July 30, 2008**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 4-0.

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PUBLIC COMMENT

Unidentified discussed concerns regarding the shooting of Theresa Sheehan.

Daniel Landry discussed charter amendment regarding increase the number of police commissioners.

Leslie Trask expressed concern regarding increase in violent crimes in the city and discussed concern regarding the sanctuary city ordinance.

REPORTS TO THE COMMISSION

a. Chief's Report
- **Update on significant policing efforts by Department members**

Chief Fong highlighted some of the great work done by members of the Department.

b. OCC Director's Report
- **Review of Recent Activities**

Director Hicks reported and introduced four new OCC investigators: Hope Martinez, Candace Miles Street, Samuel Torres, and Gregory Underwood. Director Hicks reported regarding a question by Commissioner Lee in regards to training of mediators. Director Hicks stated that mediators are required to certify that they have taken a 30-hours substantive mediation training in a single course. They have to attend an OCC orientation and agree to serve on a pro bono basis. They cannot be associated with the Police Department or be involved in a law firm with substantial criminal law practice. Director Hicks reported that 42 OCC cases have been mediated.

Commissioner Mazzucco commended Director Hicks on the new hiring of new investigators.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

None

PUBLIC COMMENT

Daniel Landry expressed concerns regarding the OCC and discussed concerns regarding homicides.

Jeannette Berger discussed concerns regarding the district attorney.

REPORT REGARDING SAN FRANCISCO'S VIOLENCE PREVENTION PLAN

Ms. Maya Dillard Smith, Director of Violence Prevention, reported regarding San Francisco's Violence Prevention Plan.

Commissioner Sparks asked how narcotics and drug enforcement relate to the violence prevention planning. Ms. Smith stated that there has to be strong enforcement against narcotics in the city and stated that what underlies a lot of the violence that are seen today are crack babies that have come of age and these are children who have not been parented and who have been abandoned and neglected. Ms. Smith talked about the Alive and Free Campaign and Training and stated that at the core of the philosophy is getting at the anger, fear, and pain that a lot of these children feel about being neglected and abused.

Commissioner Sparks also asked how this relates with the District Attorney's Office and the criminal justice system. Ms. Smith stated that the criminal justice agency are engaged in dialogued in regards to enforcement and consequence mechanism of the program. Ms. Smith stated that oversight of implementation will be under the violence prevention advisory committee. As far as guidance of the plan, overseeing the workings of the agencies will be under her office.

Commissioner Marshall described the involvement of Omega Boys Club with the Violence Prevention Program.

Commissioner Mazzucco commended Ms. Dillard Smith for a comprehensive plan.

PUBLIC COMMENT

Daniel Landry commend Dr. Marshall for his work in regards to crime prevention.

Leslie Trask discussed concerns regarding homicides.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcement

- **Reassignment of Disciplinary Case No. C07-023 to Commissioner Onek** (Resolution No. 43-08)
- **Reassignment of Disciplinary Case No. C08-030 to Commissioner Onek** (Resolution No. 44-08)
- **Reassignment of Disciplinary Case No. C07-076 to Commissioner Onek** (Resolution No. 45-08)

Lieutenant Reilly announced that the district meeting will be on August 27th, at 6:00 p.m., at the Mission Recreation Center, 2450 Harrison Street.

b. Scheduling of items identified for consideration at future commission meetings

Commissioner Sparks announced that the hearing on the sanctuary city ordinance will be postponed sometime in October until there is a clear resolution on the policy.

PUBLIC COMMENT

Daniel Landry discussed concerns regarding community policing plan.

Leslie Trask discussed concerns regarding the homicide of the Bologna family and blames the police department and the Mayor for the homicides due to sanctuary ordinance.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 4-0.

CLOSED SESSION (8:02 p.m. to 8:16 p.m.)

a. **Discussion and possible action to accept or reject stipulated disposition of disciplinary charges filed in case no. C03-147 CCL**
Put over to September 10th.

(Present Commissioners Sparks, Marshall, Lee, Mazzucco, Chief Fong, Lieutenant Reilly, Deputy City Attorney Stump.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco for non disclosure, second by Commissioner Marshall. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 4-0.

Commissioner Sparks adjourned the meeting in memory of Mr. Martin Bonnie, son of Commissioner DeJesus, who died an untimely death recently.

Thereafter, the meeting was adjourned at 8:18 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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Commissioner

PETRA DeJESUS
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LIEUTENANT JOE REILLY
Secretary

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will not meet on Wednesday, AUGUST 20, 2008.

Please join the Commission at its next meeting on Wednesday, August 27, 2008, at 6:00 p.m., in the Mission District at the Mission Recreation Center, 2450 Mission Street, San Francisco

08-15-08P03:21 RCVD

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 27, 2008
5:30 p.m.
Mission District
Mission Recreation Center
2450 Harrison Street
San Francisco

(CLOSED SESSION)
Roll Call; Pledge of Allegiance

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. Closed Session

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (DISCUSSION ONLY)
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 08-003)

   b.. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (DISCUSSION ONLY)
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
   Director of the Office of Citizen Complaints

(Reconvene to OPEN SESSION - 6:00 p.m.)

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

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5. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

6. Captain Stephen Tacchini, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District (DISCUSSION ONLY)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 27, 2008
5:30 p.m.
Mission District
Mission Recreation Center
2450 Harrison Street
San Francisco

7. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

8. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
      - Reassignment of Disciplinary Case No. C06 -119 KMO to Commissioner Onek
      - Assignment of disciplinary charges filed in Case No. C08-048 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of disciplinary charges filed in Case No. C08-128 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of disciplinary charges filed in Case No. C08-110 RMW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of disciplinary charges filed in Case No. C08-111 RMW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

   b. Items identified for consideration at future Commission Meetings

9. **Adjournment**

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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Accessible MUNI lines serving this location is: 12 Folsom, 27 Bryant
For information about MUNI service call 923 6142

The closest BART Station is: 24th Street & Mission

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

AUGUST 27, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Mission District, at 2450 Harrison Street, San Francisco at 5:23 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, DeJesus, Mazzucco
ABSENT: Commissioners Lee, Onek

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

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VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Campos. Approved 5-0.

CLOSED SESSION (5:41 p.m. to 6:31 p.m.)

a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police; Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 08-003)

(Present were Commissioners Sparks, Marshall, Campos, DeJesus, Mazzucco, Chief Fong, Lieutenant Reilly.)

b. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Director of the Office of Citizen Complaints

(Present were Commissioners Sparks, Marshall, Campos, DeJesus, Mazzucco, Director Hicks, Lieutenant Reilly.)

(Reconvene to OPEN SESSION)

Commissioner Sparks addressed the audience and asked Supervisor Amianno say a few words.

Supervisor Amianno addressed the Commission and the audience and express concerns regarding recent homicide in the Mission District. Commissioner Sparks asked the Commissioners to introduce themselves.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Campos for non disclosure. Approved 5-0.

PUBLIC COMMENT
None

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

Chief Fong addressed the Commission and the community and introduced members of the Command Staff. Present were Deputy Chief Shinn, Commander Lindo, Commander Brown, Assistant Chief Lynch, Deputy Chief Keohane, Commander Tong, Deputy Chief Cashman, and Commander Murphy.

b. OCC Director's Report

- **Review of recent activities**

Director Joyce Hicks addressed the Commission and the community and described the duties and responsibilities of the OCC.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

None

PUBLIC COMMENT

Jesse Brown, Mission resident, discussed concerns regarding rise in violence in the Mission and asked that there be zero tolerance on guns.

Sally, Latino Steering Committee, discussed concerns regarding gang injunctions, SROs being off on Fridays, and stated that police officers need to be respectful.

Joseph Logana discussed concerns regarding actions by police and asked that cameras be installed in patrol cars.

Connie Webber, Mission resident, commended the officers of the Mission and stated that the gang injunctions should continue and asked for more public safety cameras.

Steve Adams, President of Merchants of Upper Market and the Castro, commended the officers of the Mission and commended the Robbery Apprehension Unit.

James Salinas discussed concerns regarding staffing in the Mission.

Commissioner Sparks commended Captain Tacchini for a comprehensive report.

CAPTAIN STEPHEN TACCHINI, COMMANDING OFFICER OF MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Tacchini addressed the Commission and the community on police activities in the Mission District.

Deputy Chief Cashman addressed the issue of specialized help to assist the officers of Mission Station. Chief Cashman referred to the study done by Dr. Anthony Moraga which stated that two percent of San Francisco's geography is dangerous and that 45 to 50 percent of the violent crime is in two percent of the geography. Chief Cashman stated that they came up with a zone strategy in which five zones have been identified: Tenderloin, Western Addition, Mission District, Bayview Hunter's Point, and Visitation Valley. High number of specialized unit officers will be deployed to the different zones.

Deputy Chief Cashman also addressed the issue of increase in sexual assaults. Chief Cashman stated that there has been an increase in sexual assaults as there is an increase in activities in nightclubs. Chief Cashman stated that to combat that the Department has come up with the nightclub violence reduction strategy where there are officers at nightclubs at closing hours to insure that everybody gets out safely.

Commissioner Campos asked about the proper level of staffing for the Captain to do what needs to be done. Chief Cashman explained that the Department augments district staffing with specialized unit staffing support. Commissioner Campos asked that the issue of staffing be looked at to determine if additional officers are needed to be assigned to the Mission given the increase in violence in the district.

Commissioner Mazzucco asked about gang-related crimes and asked how many certified gangs are in the Mission District. Captain Tacchini called Sgt. McDonald to address the question about gangs. Sgt. McDonald stated that there are 12 for the Nortenios and 4 for the Sorenios.

Commissioner Sparks asked the Captain to expand his outreach for his newsletter. She also asked that maybe the subcommittee on violent crime can meet in the Mission for their next meeting.

Commissioner Mazzucco would like a follow up report on percentage of crimes that are gang-related in the Mission.

PUBLIC COMMENT

Luna Gills Wile, SF Safe, stated that there are 50 neighborhood group watch in the neighborhood and provided information regarding the SF Safe Program.

Eric Arguello discussed concerns regarding gang problems in the Mission.

Rita Alviar discussed concerns regarding gangs and thanked Supervisor Ammiano and the officers of Mission for their work and asked that the next meeting be held somewhere where there is parking so that more parents can attend.

Fred Sharpis, Treat 1000, discussed concerns regarding homicides on his block and asked for more staffing for the Mission District and asked for outreach from the Department after an incident happens.

Unidentified discussed concerns regarding racial profiling and discussed concerns regarding officers targeting him.

Peggy Mango discussed concerns regarding staffing and homicides in the Mission and asked for bigger changes in the Mission.

Edward, restaurant owner, asked the Department to tell the community what the community can do to help with the violence.

Jim Salinas thanked Commissioners Campos and DeJesus and Chief Fong for their work with the community and discussed concerns that no one from the Department has talked to the two women who have witnessed an incident.

Supervisor Ammiano addressed the Commission and asked when the Commission will meet regarding the sanctuary city ordinance.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**

- **Reassignment of Disciplinary Case No. C06-199 KMO to Commissioner Onek** (Resolution No. 46-08)
- **Assignment of disciplinary charges filed in Case no. C08-048 ALW to Commissioner Campos for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 47-08)
- **Assignment of disciplinary charges filed in Case no. C08-128 ALW to Commissioner Lee for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 48-08)
- **Assignment of disciplinary charges filed in Case no. C08-110 RMW to Commissioner DeJesus for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 49-08)
- **Assignment of disciplinary charges filed in Case no. C08-111 RMW to Commissioner DeJesus for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 50-08)

b. **Items identified for consideration at future Commission Meetings**

Commissioner Sparks would like the priority list for next week's

meeting and also asked the Chief to prepare a report on Tasers. Commissioner Sparks would also like a report from the CFO regarding Commission staffing. Also, a report on Patrol Specials next week. She also asked for an update on the interim EIS system.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Campos, second by Commissioner Marshall. Approved 5-0.

Thereafter, the meeting was adjourned at 8:55 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 3, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. Approval of Minutes (ACTION ITEM)
   - For the meeting of August 6, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

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3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
   - Update on significant policing efforts by Department members
   - Status report regarding Patrol Special Officers Program
   - Update regarding Budget for Commission Office Staff
   - Update regarding the interim Early Intervention System

   b. OCC Director's Report
   - Review of Recent Activities

   c. Commission Reports
   - Commission President's Report
   - Commissioners' Reports

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4. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in disciplinary case no. C03-093 JWA who resigned from the Department. Said disciplinary charges will be placed back on calendar should the officer be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings
      - Discussion regarding the Commission's Priority List

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 3, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

(Closed Session)
Roll Call.

8. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible disposition on the appeal of the Chief's Suspension in Case No. D03-348 JWA (ACTION ITEM)

(Reconvene to Open Session)

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

SEPTEMBER 3, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:44 p.m., in a Regular Meeting

PRESENT: Commissioners Sparks, Marshall, Lee, Mazzucco, Onek
ABSENT: Commissioners Campos, DeJesus

APPROVAL OF MINUTES
- **Meeting of August 6, 2008**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 5-0.

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PUBLIC COMMENT

Frances Sheehan, sister of Theresa Sheehan, discussed concerns regarding the shooting of her sister.

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REPORTS TO THE COMMISSION
a. Chief's Report
- **Update on significant policing efforts by Department members**
- **Status report regarding Patrol Special Officers Program**
- **Update regarding budget for Commission Office Staff**
- **Update regarding the interim Early Intervention System**

Assistant Chief Lynch introduced Lt. Canning, Robbery Detail, who talked about recent increase in robberies in the city.

Commissioner Lee asked if there is collaborative efforts between Muni and SFPD with regards to robberies. Lt. Canning stated that he and Lt. Garrity will be discussing some type of enforcement in regards to Muni. Commander Murphy also explained that sector car officers are required to ride the Muni twice a day, for beat officers, they are required to ride Muni four times a day.

Commissioner Mazzucco thanked the officers for working as decoy officers and acknowledged their good work.

Assistant Chief Lynch highlighted some of the good work done by members of the Department.

Commander Tong and Lt. Lum presented the status report regarding Patrol Special Officers Program.

Commissioner Lee asked about a pending application where the department has been waiting for seven months for additional references and stated that deadlines should be set.

Commissioner Sparks gave a brief update regarding the patrol special study. Commissioner Sparks stated that they are looking at draft scopes of work and that she met with the Controller's Office, along with Commissioners, members of the Department to talk about the process and stated that they came up with a preliminary project overview. She stated that there are policies and procedures for Patrol Specials in place and stated that they are going to ask the Patrol Special Association and the Department to take a copy of the current rules and regulations and to give the Commission a marked-up copy of simple changes to those rules that would clarify the current process. Commissioner Sparks stated that she, along with Commissioners Mazzucco and Marshall, will sit down and go over those marked up copies and come up with an interim rules and regulations for Patrol Specials. The interim rules and regulations, if

adopted, will be in place from about six months to 12 months and during that time the Commission will be finalizing the scope, setting up a steering committee, and going over with the consultant to come up with a new rules and regulations for Patrol Specials.

Mr. Ben Houston and Deputy Chief Keohane presented the update regarding budget for Commission office staff. Mr. Houston stated that in the budget that was approved, a police commission office manager and policy analyst has been assigned to the Commission.

Commissioner Sparks stated that Commissioner DeJesus will work with Mr. Houston to come up with the job descriptions and the final selection criteria. Mr. Houston stated that he has a draft of the JAQ (job analysis questionnaire) and that he will work with the Commission to get it finalized and posted. He stated that the job announcement will be posted on the City's website and the Department's website.

(Commissioner Sparks is excused at 7:00 p.m.)

Lieutenant Anna Brown presented the report regarding the interim Early Intervention System.

Commissioner Onek asked about misconceptions by some of the officers. Lt. Brown stated that the misconceptions are that primarily the officers do not believe that this is a system that will assist them in any way. The officers feel that it's another way for the Department to watch them and use the information for disciplinary purposes. Lt. Brown stated that they would have more familiarization sessions, training sessions, presentations to all watches as staffing allows. Commissioner Onek would like a copy of the frequently asked questions once developed for the Commission. Lt. Brown stated that she has a draft of the questions and will provide a copy to the Commission.

b. OCC Director's Report
- Review of recent activities

Ms. Inez Fraenkel, for Director Hicks, reported to the Commission in regards to complaints, mediation, and outreach.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

None

PUBLIC COMMENT

Unidentified discussed concerns regarding request for police reports and discussed concerns regarding Southern Station.

Allen White discussed concerns regarding Mary Milman and UN Plaza. He further discussed concerns regarding SRO visitors policy.

Tuan Wendy, campaign manager for Ron Dudem, spoke in favor of Patrol Specials.

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN DISCIPLINARY CASE NO. C03-093 JWA AS THE MEMBER WAS RELEASED FROM THE DEPARTMENT. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE

(Resolution 51-08)

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 4-0.

PUBLIC COMMENT
None

Routine Administrative Business

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission Meetings

- Discussion regarding the Commission's Priority List

No announcements.

Priority List is put over for next week.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 4-0.

CLOSED SESSION (7:55 p.m. to 8:34 p.m.)

a. Discussion and possible disposition on the appeal of the Chief's Suspension in Case No. D03-348 JWA

(Present were Commissioners Marshall, Lee, Mazzucco, Onek, Lieutenant Reilly, Assistant Chief Lynch, Attorney Worsham, and Mr. Steve Johnson)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 4-0.

Thereafter, the meeting was adjourned at 8:35 p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 10, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

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2. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed in Case No. C08-133 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings
      - Discussion regarding the Commission's Priority List

4. Public Comment on all matters pertaining to Closed Session.

5. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 10, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(Closed Session)
Roll Call.

6. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      Discussion and possible disposition on the appeal of the Chief's Suspension in Case No. D03-348 JWA (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C03-147 CCL (ACTION ITEM)

(Reconvene to Open Session)

7. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

8. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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SEPTEMBER 10, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Campos, Lee, Mazzucco, Onek
ABSENT: Commissioners Sparks, DeJesus

PUBLIC COMMENT

None

REPORT TO THE COMMISSION

a. **Chief's Report**
- **Update on significant policing efforts by Department members**

Chief Fong reported on recent policing efforts by the Department and talked about meetings attended by the command staff around the city to address recent violence in the Mission District.

Commissioner Campos thanked the Chief, the Command Staff, and Captain Tacchini for attending community meetings around the Mission to communicate with the community that the Department is committed to resolving the problem of violence in the District.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks reported in regards to complaints received, mediations, and reported that she has hired Ms. Elise Nicholson to replace Ms. Samara Marion who has taken a one-year leave of absence.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Report**

Commissioner Mazzucco thanked the members of the Department who put together the Police/Fire Mass last Sunday for a job well done.

Commissioner Marshall congratulated Commissioners Mazzucco and Onek for their recent swearing-in by the Mayor.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**
- **Assignment of disciplinary charges filed in Case No. C08-133 ALW to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Marshall, Resolution No. 52-08)

b. **Scheduling of items identified for consideration at future Commission Meetings**
- **Discussion regarding the Commission's Priority List**

Commissioner Campos would like the Sanctuary statute be a priority and be calendared in October.

Commissioner Lee asked if the hearing can be postponed after the Commission receives an opinion from the City Attorney in regards to how the

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Department will enforce the law.

Commissioner Campos asked if the City Attorney can prepare the opinion as soon as possible and asked to have a hearing even before the City Attorney can finalize an opinion because there are many questions being raised in the Mission District and stated that even if the meeting is only informational it will be good for the community.

Commissioner Marshall stated that his concern will be there will be questions with no answers because the community would like some resolution.

Commissioner Mazzucco would like General Order 2.02 be addressed and put on the agenda as a priority.

Commissioner Lee would also like safety on Muni as a priority item.

Commissioner Marshall would like street encounters and detention presentation.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 5-0.

CLOSED SESSION (6:15 p.m. to 6:28 p.m.)

a. **Discussion and possible disposition on the appeal of the Chief's Suspension in Case no. D03-348 JWA** (Resolution No. 53-08)

b. **Discussion and possible action to accept or reject stipulated disposition of disciplinary charges filed in case no. C03-147 CCL** (Resolution No. 54-08)

Present: Commissioners Marshall, Campos, Lee, Mazzucco, Onek, Chief Fong, Director Hicks, Attorney Worsham, Attorney Gray, Mr. Johnson, and Lieutenant Reilly.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 5-0.

Thereafter, the meeting was adjourned at 6:30 p.m.

Joseph C Reilly

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 17, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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17/08

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - Meetings of August 13th, 17, 2008, and September 3, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Update and preliminary evaluation of Violence Reduction Plan
      - Homicide and serious gun violence in San Francisco

   b. **OCC Director's Report**
      - Review of Recent Activities

   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 17, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(Closed Session)
Roll Call.

7. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C08-133 ALW (ACTION ITEM)

   b. Pursuant to Government Code section 54956.9 and San Francisco Administrative Code Section 67.10(d):
   CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation
   City as Defendant (Number of potential cases: 1)

(Reconvene to Open Session)

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
(Amended)
REGULAR MEETING
WEDNESDAY, SEPTEMBER 17, 2008
5:30 p.m.

CITY HALL, ROOM 400
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5
17/08
mended

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - Meetings of August 13th, 17, 2008, and September 3, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)

09-15-08P02:59 RCVD

   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Update and preliminary evaluation of Violence Reduction Plan
      - Homicide and serious gun violence in San Francisco

   b. **OCC Director's Report**
      - Review of Recent Activities

   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE V. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
(Amended)
REGULAR MEETING
WEDNESDAY, SEPTEMBER 17, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(Closed Session)
Roll Call.

7. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C08-133 ALW (ACTION ITEM)

   b. Pursuant to Government Code section 54956.9 and San Francisco Administrative Code Section 67.10(d):
   CONFERENCE WITH LEGAL COUNSEL : Threatened Litigation - Promotions/assignments, Inspectors' Bureau (Discussion Only)

(Reconvene to Open Session)

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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47 Van Ness, 5 Fulton, 31 Balboa
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The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

The Police Commission

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LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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SEPTEMBER 17, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:50 p.m.

PRESENT: Commissioners Marshall, Campos, Lee, Mazzucco, Onek
ABSENT: Commissioners Sparks, DeJesus

APPROVAL OF THE MINUTES

- **Meetings of August 13th, 27th, and September 3, 2008**

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 4-0.

PUBLIC COMMENT

Mark Solomon, Mission District resident, discussed concerns regarding homicides in the Mission District.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Update and preliminary evaluation of Violence Reduction Plan**
- **Homicide and serious gun violence in San Francisco**

Chief Fong talked about the Department's Violence Reduction efforts.

Deputy Chief Cashman updated the Commission on the Department's violence reduction enforcement. He talked about zone enforcement strategies.

Dr. Anthony Braga addressed the Commission and talked about his study about gun violence that was done with the Mayor's Office of Criminal Justice.

Commissioner Campos expressed concern about the crime analysis report and that it only goes to August 7th and expressed concern that there's been a lot that's happened in the Mission since August 7th. Deputy Chief Cashman stated that he'd like to reassure the community that the report was based on a six-month time frame and it does not diminish the Department's responsibility to put resources in the Mission.

Commissioner Campos would like to see the clearance rate during the six-month period of zone enforcement as compared to prior years. Commissioner Campos would also like to see how the city is doing as compared to other jurisdictions. He also would like a report more specific to zone 3 as to where the numbers are now as compared to last year.

Commander Murphy stated that there is one more homicide this year as compared to last year.

Commissioner Onek suggested that the report be scheduled closer to the end of the reporting period so that numbers are more current. Commissioner Onek also stated that Dr. Braga is also the Chief Policy Advisor to the Boston Police Commissioner, which is the Chief of Police of Boston, and suggested that the Commission might want to think about having a part-time expert type person who can advise the Chief and the Command Staff on a part time basis.

Commissioner Mazzucco asked Dr. Braga as to what to do with Zone 3 and asked for recommendations as to what the Department can do to improve

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the numbers in the Mission District. Dr. Braga suggested that the Department look very carefully as to the nature of the violence that going on there. Dr. Braga stated that the Department should really think about as to what's going on there and maybe refer to best practice models and that the important thing is to develop something that makes sense for the Mission District. He stated that the Department should really think about what's generating the violence in the Mission and thinking about what has worked in the past, what levers may exists that haven't been used before and developing a comprehensive plan for the Mission based on people who are actually working and living in the neighborhood. Dr. Braga also explained the models of "pulling levers" and "cease fire."

Chief Fong stated that the foundation of this concept is that all district station are fully staffed and acknowledged the men and women of the Department for their great work. Chief Fong also talked about the Community Connect initiative. Chief Fong went on to highlight some of the great work done by members of the Department.

b. OCC Director's Report
- Review of Recent Activities

Director Joyce Hicks reported on complaints received and personnel issues. Director Hicks announced that she has hired Mr. Charles Galman to be the permanent Chief Investigator of the OCC. Mr. Galman addressed the Commission.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Onek announced that Commissioner Mazzucco is moving on after being with the US Attorney's Office for nine years and thanked him for his public service.

PUBLIC COMMENT
None

Routine Administrative Business
a. Commission Announcements
b. Scheduling of items identified for consideration at future Commission Meetings

Lieutenant Reilly announced no meeting next week, September 24th.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Mazzucco. Approved 5-0.

CLOSED SESSION: (7:27 p.m. to 8:06 p.m.)
a. Discussion and possible action to accept or reject stipulated disposition of disciplinary charges file din case no. C08-133 ALW (Resolution No. 55-08)

(Present: Commissioners Marshall, Campos, Lee, Mazzucco, Onek, Chief Fong, Lieutenant Reilly, Deputy City Attorney Stump, Attorney Worsham, Mr. Johnson)

b. CONFERENCE WITH LEGAL COUNSEL: Threatened Litigation - Promotions/assignments, Inspectors' Bureau

(Present: Commissioners Marshall, Campos, Lee, Mazzucco, Onek, Chief Fong, Lieutenant Reilly, Deputy City Attorney Stump)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 5-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 5-0.

Thereafter, the meeting was adjourned at 8:07 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

The Police Commission

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LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 24, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Approval of the Consent Calendar** (ACTION ITEM)
   - Request of the Chief of Police to accept donation of three notebook computes, serial nos. 84RX1D1, 4SB31D1, and 5T981D1 and an Olympus Stylus Digital Camera, Model 770 SW, from Dell Incorporated, valued at approximately $4,784.21, to be used by the Bureau of Inspectors

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed in Case No. C08-150 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 24, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(Closed Session)
Roll Call.

7. Closed Session (DISCUSSION ONLY)
   a. Pursuant to Government Code section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(Reconvene to Open Session)

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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SEPTEMBER 24, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:47 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, DeJesus, Mazzucco, Onek
ABSENT: Commissioners Sparks, Campos, Lee

PUBLIC COMMENT

Daniel Landry discussed concerns regarding spike in homicides

APPROVAL OF THE CONSENT CALENDAR

- **Request of the Chief of Police to accept donation of three notebook computers, serial nos. 84RX1D1, 4SB31D1, and 5T981D1 and an Olympus Digital Camera, Model 770 SW, from Dell Incorporated, valued at approximately $4,784.21, to be used by the Bureau of Inspectors**

4/08

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

RESOLUTION NO. 56-08

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION OF THREE NOTEBOOK COMPUTERS, SERIAL NOS. 84RX1D1, 4SB31D1, AND 5T981D1, AND AN OLYMPUS DIGITAL CAMERA , MODEL 770 SW, FROM DELL INCORPORATED, VALUED AT APPROXIMATELY $4,784.21, TO BE USED BY THE BUREAU OF INSPECTORS

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of three notebook computers, serial nos. 84RX1D1, 4SB31D1, and 5T981DA, and an Olympus digital camera, model 770 SW, from Dell Incorporated, valued at approximately $4,784.21, to be used by the Bureau of Inspectors.

AYES: Commissioners Marshall, DeJesus, Mazzucco, Onek
ABSENT: Commissioners Sparks, Campos, Lee

REPORTS TO THE COMMISSION

a. Chief's Report
- **Update on significant policing efforts by Department members**

Chief Fong highlighted some of the great work by members of the Department.

b. OCC Director's Report
- **Review of Recent Activities**

Director Hicks reported on cases closed, mediation, and the NACOLE conference.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Marshall reported that documents mentioned in the Chronicle articles regarding the PERF studies are in draft form. Commissioner Marshall also the Commission summit held earlier this year and

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recommendations made by PERF and asked that copies of the recommendations be made available to all Commissioners

PUBLIC COMMENT

Daniel Landry expressed concerns regarding homicides in the city.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of disciplinary charges filed in Case No. C08-150 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 57-08, Assigned to Commissioner Theresa Sparks)

b. Scheduling of items identified for consideration at future Commission Meetings

None

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 4-0.

CLOSED SESSION (6:14 p.m. to 6:31 p.m.)

a. Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(Present: Commissioners Marshall, DeJesus, Mazzucco, Onek, Deputy City Attorney Stump, Chief Fong)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 4-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 4-0.

Thereafter, the meeting was adjourned at 6:32 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 1, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes**
   - For the meeting of September 10, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Presentation regarding Street Encounters and Investigative Detentions
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

5. **Adjournment** (ACTION ITEM)

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Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

OCTOBER 1, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:46 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Mazzucco, Onek
ABSENT: Commissioners Campos, DeJesus, Lee

APPROVAL OF MINUTES

- **For the meeting of September 10, 2008**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 4-0.

CHIEF'S REPORT

- **Presentation of certificates**

Taken out of order.

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Lieutenant Canning, Robbery Detail, presented Certificates of Appreciation to Mr. Robin Currier, Mr. Coy Ellison, and Mr. Bryan Nichols.

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

a. Chief' Report (continued)

- **Update on significant policing efforts by Department members**
- **Presentation regarding Street Encounters and Investigative Detentions**

Assistant Chief Lynch highlighted some of the great work done by members of the Department.

Inspector John Evans presented the report in regards to street encounters and investigative detentions.

Commissioner Sparks asked what are the tactics and techniques that officers use to de-escalate situations. Inspector Evans stated that recruits are taught not to start from the top.

Commissioner Mazzucco asked if there is any way to teach recruits people skills. Inspector Evans stated that it is very difficult to teach people skills and it takes years of experience to learn to be comfortable.

Commissioner Marshall asked if the Academy use scenarios to train recruits in encounters and how often is the training repeated. Inspector Evans stated that scenario testing is extensive in the recruits training and San Francisco has a more extensive scenario testing program than any academy in the state and it provides more scenario testing that is not mandated by the state.

Commissioner Sparks stated that the best situation is that the scenario testing be done in an environment that is not familiar by people who are not familiar to give the recruits the best opportunity to be tested. Inspector Evans stated that testing is done in a controlled environment but the Academy does recruit people from the community to do the scenarios.

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b. OCC Director's Report

- **Review of Recent Activities**

Director Hicks reported on complaints received and closed. Commissioner Sparks asked about sustained complaints. Director Hicks stated that the sustained rate has dropped. There were four sustained cases in September out of 80 cases. She stated that an average sustained rate for misconduct complaints is around 7 percent. Director Hicks stated that the office is almost fully staffed and expects that with the caseload going down for investigators the sustained rate will go up somewhat.

Director Hicks also reported on outreach efforts by the OCC.

Commissioner Onek asked about outreach done at the Academy. Director Hicks explained that the OCC addresses the recruits in the beginning and at the end of their Academy training and gives the recruits and opportunity for questions and answers as well as an evaluation at the end by the recruits.

Commissioner Marshall asked about encounters and are there complaints in that area. Director Hicks stated that there are complaints about searches, seizures, arrests et cetera.

PUBLIC COMMENT

Barbara Grose discussed concerns.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Sparks announced that a tentative list of items that will go on the agenda for the next three months will be released to give the Department, the Commission, and the public to be in attendance.

Commissioner Sparks would like the CSI, Crime Lab, presentation as to how it's organized, who makes decisions about what is actually tested and whether or not the Deputy Chief makes the decision and Commissioner Sparks also asked for comparisons to other crime labs as far as number of cases per technician, what the normal response time is, what's the normal time is to get results back.

Commissioner Sparks also would like to add Commission staffing because it is important to have staffing once reports are done.

Commissioner Sparks announced that on November 3rd there will be a special meeting and that there might be no meeting on the 5th.

Commissioner Sparks also would like the Patrol Special rules be on the agenda sometime in November. She would like to have new preliminary interim rules for a one-year period of time, date/time certain, prior to the end of this calendar year.

Commissioner Sparks also stated that on October 22nd, Halloween planning presentation will be on the agenda.

PUBLIC COMMENT
None

<u>ROUTINE ADMINISTRATIVE BUSINESS</u>
a. Commission Announcements
b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Sparks announced that October 29th will be a faith-based community meeting.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 4-0.

Thereafter, the meeting was adjourned at 7:08 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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YVONNE Y LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 8, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes**
   - For the meetings of September 17th, 24th, and October 1, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Presentation regarding Safety on Muni
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 8, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(Closed Session)
Roll Call.

7. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C06-183 JCT (ACTION ITEM)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C07-179 ALW (ACTION ITEM)

(Reconvene to Open Session)

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE
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Accessible parking _____

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The Police Commission

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DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

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cancelled

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will not meet on Wednesday, OCTOBER 8, 2008.

Please join the Commission at its next meeting on Wednesday, October 15, 2008, at 5:30 p.m., in Room 400, City Hall.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

10-15-08A11:13 RCVD

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OCT 15 2008

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 15, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes**
   - For the meetings of September 17th, 24th, and October 1, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Presentation of the Officer-Involved Shooting Investigation Status Summary
   b. **OCC Director's Report**
      - Review of Recent Activities
      - Presentation of the 3rd Quarter 2008 Statistical Report
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
      - Presentation of the Police Commission's 3rd Quarter Report of Closed Session Disciplinary Actions (Veronese Resolution)
      - Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)

4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed in Case No. C08-120 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of an Appeal of the Chief's Suspension filed in Case No. A 054-06 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 15, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

(Closed Session)
Roll Call.

7. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges pursuant to Government Code 3304(d) and Motion to Dismiss the Department's Request for Officer's Dismissal filed in Case No. C05-046 (ACTION ITEM)
   The following time limits will apply:
   Charged officer's argument: Up to 10 minutes
   Department's argument: Up to 10 minutes
   Charged officer's rebuttal: Up to 5 minutes

(Reconvene to Open Session)

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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OCTOBER 15, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Campos, Lee, Mazzucco, Onek

ABSENT: Commissioner DeJesus

(Commissioner Marshall was excused at 9:20 p.m. Commissioner Lee was excused at 9:17 p.m.)

APPROVAL OF THE MINUTES

- **For the meetings of September 17th, 24th, and October 1, 2008**

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 6-0.

PUBLIC COMMENT
None

15/08

PUBLIC COMMENT

Kevin Blackwell, community organizer Safety Network, encouraged Commissioners to stay involved with community issues.
Unidentified discussed concerns regarding police testing.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Taken out of order

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

CLOSED SESSION (6:09 p.m. to 7:42 p.m.)

a. **Discussion and possible action tog rant or deny Motion for Dismissal of Disciplinary Charges pursuant to Government Code 3304(d) and Motion to Dismiss the Department's Request for Officer's Dismissal filed in Case No. C05-046** (Resolution No. 60-08)

(Present: Commissioners Sparks, Marshall, Campos, Lee, Mazzucco, Onek, Deputy City Attorney Stump, Lieutenant Reilly, Mr. James Lassart, Esq., Ms. Ronnie Wagner, Esq., Deputy City Attorney M. Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 6-0.

REPORTS TO THE COMMISSION

a. **Chief's Report**

- **Update on significant policing efforts by Department members**

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- **Presentation of the Officer-Involved Shooting Investigation Status Summary**

Chief Fong highlighted some of the great work done by members of the Department during the past week.

Chief Fong also talked about the PERF's Crime Summit attended by her and Commissioner Onek last Wednesday in Washington D.C. She stated that this is the fifth session held by PERF to look at crime trends across the country.

Commissioner Sparks talked about having a community advocate to work with the community at a command level on a daily basis as opposed to captains working with their community groups in their individual districts so that community input can be brought it at a macro level rather than at a micro level at district stations.

OCC DIRECTOR'S REPORT

- **Review of Recent Activities**
- **Presentation of the 3rd Quarter 2008 Statistical Report**

Presentation of the 3rd Quarter 2008 Statistical Report is continued to November 5th.

Director Hicks introduced new investigator Ms. Roxanne Hayes.

COMMISSION REPORTS

- **Commission President's Report**
- **Commissioners' Reports**
- **Presentation of the Police Commission's 3rd Quarter Report of Closed Session Disciplinary Actions (Veronese Resolution)**
- **Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)**

Report continued to November 5th.

CHIEF'S REPORT continued:

Commissioner Sparks expressed concerns regarding an incident involving a 16-year old shooting victim and a 14-year old suspect.

Deputy Chief Shinn gave an overview of homicides from September 1st to present. Deputy Chief Shinn stated that there were 22 homicides since September 1st. Chief Shinn stated that there are 7 suspects in custody out of the 22 incidents.

Commander Murphy addressed the Commission in regards to enforcement done by the Department.

Commissioner Lee asked about concerns regarding fear of people coming forward due to immigration status.

Commissioner Mazzucco asked about the Department's Community Relations Unit. Chief Fong stated that the unit was disbanded in the late 80s, early 90s. Chief Fong also addressed the issue of the fear of people coming forward. She stated that the fear comes from not knowing what is going to happen and the system and she stated that education has to be ongoing so that the community understands the process.

Chief Fong also talked about "Shake up San Francisco," which is a

citywide initiative sponsored by the Department of Emergency Management scheduled for Tuesday, October 21st. This is a reminder to stop and think about emergency preparedness.

Commissioner Sparks announced the PERF public workshops on Tuesday, October 28th at UCSF Parnassus Campus and on October 29th at Visitation Valley Middle School in regards to PERF studies and due to these workshops, no Commission meeting on October 29th.

Sergeant Mike Nevin presented the Officer-Involved Shooting Investigation Summary report.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of disciplinary charges filed in Case No. C08-120 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Campos, Resolution No. 58-08)

b. Assignment of an Appeal of the Chief's Suspension filed in Case No. A 054-06 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Assigned to Commissioner Onek, Resolution No. 59-08)

Commissioner Sparks stated that because of the workshops, the Commission's faith-based community meeting has been rescheduled to December 10th.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Campos. Approved 4-0.

Commissioner Sparks adjourned the meeting in memory of Richmond Police Officer Brad Moody who died October 7th as a result of an on-duty traffic injury.

Thereafter, the meeting was adjourned at 9:39 p.m. in memory of Officer Moody.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 22, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

10-21-08P12:01 RCVD

1. **Public Comment**
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3. **Reports to the Commission** (DISCUSSION ONLY) [redacted]
   a. **Chief's Report**
      - Update on significant policing efforts by Department members [redacted]
      - Presentation regarding Safety on Muni
      - Presentation regarding Halloween Activities
      - Quarterly Report of Provision of Documents to the Office of Citizens Complaints
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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4. Discussion and possible action to adopt revised Department General Order 8.10, "Guidelines for First Amendment Activities" (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed in Case No. C08-162 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 22, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(Closed Session)
Roll Call.

8. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C07-179 ALW (ACTION ITEM)

(Reconvene to Open Session)

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty); at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
(amended)
REGULAR MEETING
WEDNESDAY, OCTOBER 22, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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mended

Roll Call; Pledge of Allegiance

10-20-08A09:12 RCVD

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Presentation regarding Safety on Muni
      - Presentation regarding Halloween Activities
      - Quarterly Report of Provision of Documents to the Office of Citizens Complaints
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

4. Discussion and possible action to adopt revised Department General Order 8.10, "Guidelines for First Amendment Activities" (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed in Case No. C08-162 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
(amended)
REGULAR MEETING
WEDNESDAY, OCTOBER 22, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

(Closed Session)
Roll Call.

8. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C07-179 ALW (ACTION ITEM)

   b. Pursuant to Government Code section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   Fonseca v. Fong, et al., California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(Reconvene to Open Session)

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN

OCTOBER 22, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Campos, Mazzucco, Onek
ABSENT: Commissioners Sparks, DeJesus, Lee

PUBLIC COMMENT

Jeanette Berger discussed concerns regarding illegal immigrants.

Barbara Growth discussed concerns regarding the "Rule of 5" for testing and promotionals.

REPORT TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation regarding Safety on Muni**
- **Presentation regarding Halloween Activities**
- **Quarterly Report of provision of documents to the Office of Citizens Complaints**

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Supervisor Bevan Dufty discussed the "Home for Halloween" events planned around the city.

Deputy Chief Cashman presented the Department's plans in regards to Halloween activities around the city. He gave a brief overview of events happening in different districts.

Entertainment Commissioner President Audry Joseph talked about events in Lot A for Halloween Night.

Mr. David Perry, David Perry & Associates, Inc., talked about the Home for Halloween Campaign.

Ms. Martha Cohen addressed the question about portable toilets around the Castro area and stated that there will be portable toilets in the area.

Captain David Lazar talked about parking and no parking zones around the Castro for Halloween Night.

PUBLIC COMMENT

Jeannette Berger discussed concerns.

Chief Fong introduced Lt. Joe Garrity to present the Safety on Muni report. Lt. Garrity reported that overall crime on Muni is down. He went on to report on crime stats on Muni.

Commissioner Campos asked what could be done to address safety on the No. 14 Muni line. Lt. Garrity stated that the 14 Muni line goes to a lot of different parts of the city and stated that the answer is to expand the programs.

Commissioner Onek asked about changes in Muni routes and how much input came from the Department. Lt. Garrity stated that the Department had some input and stated that enforcement plans may have to be modified.

Lieutenant Dan Mahoney, Legal, presented the quarterly report of Provision of Documents to the Office of Citizen Complaints. Ms. Elise Nicholson said a few words about the quarterly report.

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Chief Fong announced that last night 15 adults graduated from the community policing academy and last night, also, the first class for youth community policing graduated. There were 13 graduates. The next community policing class will begin on January 9th.

Chief Fong also talked about an investigation of people linked to gang activities and stated that this morning members of the Department participated in the service of warrants.

Commissioner Campos would like a report in regards to U Visas, which are visas that involved people that have been victims of domestic violence, and what the Department is doing or not doing with respect to U visas.

b. OCC Director's Report
- Review of Recent Activities

Ms. Inez Fraenkel, for Director Hicks, updated the Commission on complaints received, mediation, and outreach.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Marshall announced that the public workshops in regards to the Organizational Assessment of the Department will take place on Tuesday, October 28th, at 6:00 p.m., at the UCSF Parnassus Campus, and on Wednesday, October 29th, at 6:00 p.m., at the Visitacion Valley Middle School.

PUBLIC COMMENT

Barbara Growth discussed concern regarding the termination of Officer Nelson.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES"

Lieutenant Dan Mahoney, Legal, presented DGO 8.10, "Guidelines for First Amendment Activities."

Ms. Elise Nicholson addressed the Commission and stated that the OCC supports the revision of DGO 8.10.

Commissioner Onek said a few words and asked that a typographical error be corrected on page 7 of the order: Letter "h" should be changed to the letter "I."

Motion by Commissioner Campos, second by Commissioner Onek. Approved 4-0.

RESOLUTION 61-08

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES"

RESOLVED, that the Police Commission hereby adopts revised Department General Order, 8.10, "Guidelines for First Amendment Activities," draft dated 10/01/08.

AYES: Commissioners Marshall, Campos, Mazzucco, Onek
ABSENT: Commissioners Sparks, DeJesus, Lee

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcement

- **Assignment of disciplinary charges filed in Case No. C08-162 KMO to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 62-08, assigned to Commissioner David Campos)

b. Scheduling of items identified for consideration at future Commission Meetings

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 4-0.

CLOSED SESSION (8:20 p.m. to

a. Discussion and possible action to accept or reject stipulated disposition of disciplinary charges filed in Case No. C07-179 ALW (Resolution 63-08)

(PRESENT: Commissioners Marshall, Campos, Mazzucco, Onek, Chief H. Fong, Deputy City Attorney M. Stump, Attorney A. Worsham, Mr. S. Johnson, Lieutenant J. Reilly, and officer involved)

b. CONFERENCE WITH LEGAL COUNSEL : Pending Litigation Fonseca v. Fong, et al., California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(PRESENT: Commissioners Marshall, Campos, Mazzucco, Onek, Chief H. Fong, Deputy City Attorney M. Stump, Lieutenant J. Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Campos, second by Commissioner Mazzucco for non disclosure. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Campos, second by Commissioner Onek. Approved 4-0.

Thereafter, the meeting was adjourned at 8:23 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION

NOTICE OF MEETING CANCELLATION

The Commission will not meet on Wednesday, OCTOBER 29, 2008.

Please join the Commission at its next regular meeting on Wednesday, November 12, 2008, at 5:30 p.m., in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco

10-24-08-05:40 PM

10-24-07-92937-APN

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SAN FRANCISCO POLICE COMMISSION
NOTICE OF SPECIAL MEETING AND AGENDA

November 3, 2008
9:30 a.m.
Thomas J. Cahill Hall of Justice,
850 Bryant St. Room 551
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. Discussion and possible action to sustain or not sustain disciplinary charges filed in case number C07-039, the matter of Patrol Special Officer Jane Warner, and adopt findings (ACTION ITEM)

3. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

10-20-08A09:40 RCVD

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SAN FRANCISCO POLICE COMMISSION AGENDA
SPECIAL MEETING
MONDAY, NOVEMBER 3, 2008
9:30 a.m.

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 551
San Francisco, California

Roll Call; Pledge of Allegiance

1. Deliberation and possible action for disposition of disciplinary charges filed against Patrol Special Officer Jane Warner, File No. C07-039 ALW; take other related action as required and adopt findings. (ACTION ITEM)

2. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN

10-29-08A08:05 RCVD

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SAN FRANCISCO POLICE COMMISSION

NOTICE OF MEETING CANCELLATION

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WEDNESDAY, NOVEMBER 5, 2008

The Police Commission will not meet on Wednesday, November 5, 2008.
Please join the Commission at its next regular meeting on
Wednesday, November 12, 2008
5:30 p.m. in Room 400, City Hall

10-31-08P03:20 RCVD

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 12, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - For the meetings of October 15th and 22, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

11-07-08P02:33 RCVD

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members and crime trends
      - Update regarding the Justice Facilities Improvement Program and the Forensic Science Center
      - Update on the Department's budget
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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4. Discussion and possible action to approve request of the Chief of Police to apply for, accept, and expend funds from the National Institute of Justice to design and develop a Forensic DNA Case Management System for cold hit tracking (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Withdrawal of the Appeal of the Chief's Suspension in disciplinary Case No. A054-06, KMO R07-048
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 12, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(Closed Session)
Roll Call.

8. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to grant or deny Motion to Dismiss filed in Disciplinary Case Nos. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, and C06-187 JCT (ACTION ITEM)
   The following time limits will apply:
   Charged officer's argument: Up to 10 minutes
   Department's argument: Up to 10 minutes
   Charged officer's rebuttal: Up to 5 minutes

   b. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Approval of the Awards Committee Recommendation (ACTION ITEM)

   c. Pursuant to Government Code section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   Fonseca v. Fong, et al., California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(Reconvene to Open Session)

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

DR JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y LEE
Commissioner

THOMAS P MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 12, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - For the meetings of October 15th and 22, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members and crime trends
      - Update regarding the Justice Facilities Improvement Program and the Forensic Science Center
      - Update on the Department's budget
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Withdrawal of the Appeal of the Chief's Suspension in disciplinary Case No. A054-06, KMO R07-048
   b. Scheduling of items identified for consideration at future Commission Meetings

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 12, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(Closed Session)
Roll Call.

7. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to grant or deny Motion to Dismiss filed in Disciplinary Case Nos. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, and C06-187 JCT (ACTION ITEM)
   The following time limits will apply:
   Charged officer's argument: Up to 10 minutes
   Department's argument: Up to 10 minutes
   Charged officer's rebuttal: Up to 5 minutes

   b. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Approval of the Awards Committee Recommendation (ACTION ITEM)

   c. Pursuant to Government Code section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   Fonseca v. Fong, et al., California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(Reconvene to Open Session)

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

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NOVEMBER 12, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, Lee, Mazzucco, Onek
ABSENT: Commissioners Campos, DeJesus

APPROVAL OF THE MINUTES

- **For the meetings of October 15th and 22, 2008**

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 5-0.

PUBLIC COMMENT

Doug Millar, child abuse investigator, discussed concerns regarding a child abuser.

Peter Cherniff discussed concerns.

Closed Session taken out or order.

PUBLIC COMMENT PERTAINING ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 5-0.

CLOSED SESSION (6:03 p.m. to 7:53 p.m.)

a. **Discussion and possible action to grant or deny Motion to Dismiss filed in Disciplinary Case Nos. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, and C06-187 JCT**

(Present: Commissioners Sparks, Marshall, Lee, Mazzucco, Onek,, Deputy City Attorney Blits, Lieutenant Reilly, Jason Jasmin, Spencer Smith, Waukeen McCoy, Steve Johnson, Kelly O'Haire)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Mazzucco for non disclosure. Approved 5-0.

REPORT TO THE COMMISSION

a. **Chief's Report**
- **Update on significant policing efforts by Department members and crime trends**
- **Update regarding the Justice Facilities Improvement Program and the Forensic Science Center**
- **Update on the Department's budget**

Chief Fong asked that the report regarding te facilities be taken out of order. Captain Gonzalez introduced Mr. Charles Higueros, Department of Public Works, Mr. Jim Bucker, Department of Public Works, and Dr. Sidney

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Holts who talked about the Justice Facilities Improvement Program and the Forensic Science Center.

Director Ken Bukowski presented the update on the Department's budget.

Deputy Chief Shinn updated the Commission on homicides and gun violence in the city. Chief Shinn stated that homicides to date is 94 as compared to 91 of last year.

Commissioner Sparks stated that maybe it is a good idea to have a press conference periodically to let the public know what's happening and what the Department is doing.

Deputy Chief Cashman updated the Commission on robbery cases. Chief Cashman discussed the addition of Lieutenant Jim Miller to FOB to coordinate the enforcement operations citywide. Lieutenant Miller will also be the liaison to the Bureau of Investigations to coordinate with lieutenants who work in the Bureau of Investigations.

PUBLIC COMMENT

Barbara Growth discussed concerns.

b. OCC Director's Report

- Review of Recent Activities

Director Hicks updated the Commission on recent activities and talked about cases closed and mediated and talked about outreach.

c. Commission Reports

- Commission President's Report

- Commissioners' Reports

No report.

PUBLIC COMMENT

None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- Withdrawal of the Appeal of the Chief's Suspension in disciplinary case no. A054-06, KMO R07-048 (Resolution No. 65-08)

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Sparks announced that the Veronese Report and the OCC's quarterly report will be on the Consent Calendar and a discussion in regards to DGO 2.02, Alcohol Use by Members. There will no meeting on the November 26th. December 3rd will be the last regular meeting and the temporary rules for Patrol Specials will be on the calendar. December 10th will be a faith based meeting and the 17th will be the joint meeting with the Board of Supervisors in regards to the PERF report.

PUBLIC COMMENT

None

PUBLIC COMMENT PERTAINING ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 5-0.

CLOSED SESSION (9:44 p.m. to 10:00 p.m.)

b. **PERSONNEL EXCEPTION: Approval of the Awards Committee Recommendation** (Resolution No. 66-08)

(Present: Commissioners Sparks, Marshall, Lee, Mazzucco, Onek, Chief Fong, Deputy City Attorney Stump, Lieutenant Reilly)

c. **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation Fonseca v. Fong, et al., California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227**

(Present: Commissioners Sparks, Marshall, Lee, Mazzucco, Onek, Chief Fong, Deputy City Attorney Stump, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Mazzucco for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 5-0.

Thereafter, the meeting was adjourned at 10:06 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 19, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

11-14-08P03:40 RCVD

2. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - OCC's 3rd Quarter 2008 Statistical Report
   - Police Commission's 3rd Quarter Report of Closed Session Disciplinary Actions (Veronese Resolution)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
      - Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)

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4. Discussion and possible action to approve request of the Chief of Police to apply for, accept, and expend funds from the National Institute of Justice to design and develop a Forensic DNA Case Management System for cold hit tracking (ACTION ITEM)

5. Discussion and possible action to adopt revised Department General Order 2.02, "Alcohol Use by Members (ACTION ITEM)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 19, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

7. Public Comment on all matters pertaining to Closed Session.

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

(Closed Session)
Roll Call.

9. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      Discussion and possible action to sustain or not sustain the disciplinary charges filed in case no. C07-106 ALW (ACTION ITEM)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      Discussion and possible action to accept or reject a stipulated disposition of disciplinary charges filed in case no. C06-060 JF (ACTION ITEM)

(Reconvene to Open Session)

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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NOVEMBER 19, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:46 p.m., in a Regular Meeting

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee
ABSENT: Commissioners Campos, Mazzucco, Onek

PUBLIC COMMENT

Peter Cherneff discussed concerns regarding narcotics and drug cases.

CONSENT CALENDAR (Received & Filed)
- **OCC's 3rd Quarter 2008 Statistical Report**
- **Police Commission's 3rd Quarter Report of Closed Session Disciplinary Actions (Veronese Resolution)**

Motion by Commissioner DeJesus, second by Commissioner Lee to approve the Consent Calendar. Approved 4-0.

PUBLIC COMMENT
None

9/08

REPORTS TO THE COMMISSION

a. Chief's Report
- **Update on significant policing efforts by Department Members**

Chief Fong talked about some of the great work done by members of the Department in regards to utility company scam.

Commander Murphy updated the Commission on the safe shoppers program.

b. OCC Director's Report
- **Review of Recent Activities**

Director Hicks talked about cases opened and closed, mediation, and outreach.

Commissioner Sparks talked about the recommendations of the African American Police Relations Board and stated that these recommendations will be added to various studies related to the Department.

PUBLIC COMMENT
None

c. Commission Reports
- **Commission President's report**
- **Commissioners' Reports**
- **Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)**

Captain Mario Gonzalez presented the quarterly report in regards to Policy Proposals.

Commissioner Sparks asked that DGO 3.16, Release of Police Reports, and 8.12, In-Custody Deaths, be brought forward for the first quarter report. Ms. Elise Nicholson addressed the Commission in regards to language access

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and DGO 7.01.

Deputy City Attorney Stump stated that she is in the process of reviewing DGO 8.12. Chief Fong stated that two weeks ago, the Command Staff reviewed DGO 8.12.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO APPROVE REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FORM THE NATIONAL INSTITUTE OF JUSTICE TO DESIGN AND DEVELOP A FORENSIC DNA CASE MANAGEMENT SYSTEM FOR COLD HIT TRACKING

Deputy Chief Shinn presented the grant.

Motion by Commissioner DeJesus, second by Commissioner Marshall. Approved 4-0.

PUBLIC COMMENT
None

RESOLUTION NO. 67-08

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND FUNDS FROM THE NATIONAL INSTITUTE OF JUSTICE (NIJ) OFFICE OF JUSTICE PROGRAMS TO IMPLEMENT THE "NIJ's FY 2008 FORENSIC DNA UNIT EFFICIENCY IMPROVEMENT PROGRAM"

RESOLVED, that the Police Commission hereby approves authorizing the Chief of Police to accept and expend funds from the National Institute of Justice (NIJ) Office of Justice Programs to implement the "NIJ's FY 2008 Forensic DNA Unit Efficiency Improvement Program" and any augmentations, extensions and modifications.

AYES: Commissioners Sparks, Marshall, DeJesus, Lee
ABSENT: Commissioners Campos, Mazzucco, Onek

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 2.02, "ALCOHOL USE BY MEMBERS"

Motion by Commissioner Sparks, second by Commissioner Marshall to continue this item to December 3rd. Approved 4-0.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements
b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Sparks stated that she will meet with Lt. Reilly to prepare a tentative calendar for the month of January.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 4-0.

CLOSED SESSION (7:00 to 8:19 p.m.)

a. Discussion and possible action to sustain or not sustain the disciplinary charges filed in case no. C07-106 ALW

(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Deputy City Attorney M. Stump, Lt. Reilly, Attorney L. Stiglich)
(Resolution No. 68-08)

b. Discussion and possible action to accept or reject a stipulated disposition of disciplinary charges filed in case no. C06-060 JF

(Present: Commissioners Sparks, Marshall, DeJesus, Lee, Deputy City Attorney M. Stump, Lt. Reilly, Mr. S. Johnson)
(Resolution No. 69-08)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner DeJesus for non disclosure. Approved 4-0.

PUBLIC COMMENT

None

ADJOURNMENT

Commissioner Sparks congratulated Commissioner Campos for his election as City Supervisor to District No. 9.

Motion by commissioner Marshall, second by Commissioner Lee. Approved 4-0.

Thereafter, the meeting was adjourned at 8:25 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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The Commission will not meet on Wednesday, NOVEMBER 26, 2008.

Please join the Commission at its next meeting on Wednesday, December 3, 2008, at 4:30 p.m. City Hall, Room 400

11-24-08 BACK TO ROOM

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 3, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - For the meetings of November 3rd and 19, 2008

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
   - Update on significant policing efforts by Department members and crime trends

   b. OCC Director's Report
   - Review of Recent Activities

   c. Commission Reports
   - Commission President's Report
   - Commissioners' Reports

4. Discussion and possible action to adopt revised Department General Order 2.02, "Alcohol Use by Members (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   - Assignment of Disciplinary Charges filed in Case No. C08-190 RMW to an individual Commissioner for the taking of evidence on a date to be determined by the Commission
   - Assignment of an appeal of the Chief's Suspension filed in Case No. MCD A046-04, KMO D07-070 to an individual Commissioner for the taking of evidence on a date to be determined by the Commission

   b. Scheduling of items identified for consideration at future Commission Meetings

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 3, 2008

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call
(Closed Session)

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to grant or deny Motion to Dismiss filed in Disciplinary Case Nos. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, and C06-187 JCT (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to sustain or not sustain the disciplinary charges filed in Case No. C08-015(ACTION ITEM)
   c. Pursuant to Government Code section 54956.9 and San Francisco Administrative Code Section 67.10(d):
   CONFERENCE WITH LEGAL COUNSEL : Threatened Litigation
   Promotions/assignments, Inspectors' Bureau (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL: Pending Litigation
   Stockwell et al. v. CCSF, et. al., N.D. Cal., San Francisco Division, Civ. No. CV 08 5190, filed November 17, 2008 (DISCUSSION ONLY)

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE
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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

DECEMBER 3, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:46 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Mazzucco
ABSENT: Commissioners Lee, Onek

Commissioner Sparks announced the resignation of Commissioner David Campos as he was elected to the Board of Supervisors.

APPROVAL OF THE MINUTES

- **For the meetings of November 3rd and November 19, 2008**

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 4-0.

PUBLIC COMMENT

Jeanette Berger discussed concerns.
Doug Millar discussed concerns regarding child abuse.
Peter Tscherneff discussed concerns.
Eric Barlow discussed concerns regarding street cleaning.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members and crime trends**

Lieutenant Bill Canning presented Certificates of Appreciation to Mr. Michael Angelini and Mr. Richard Oliver for their help during a robbery incident.

Captain Jere Williams presented a Certificate of Appreciation to Ms. Rosa Katz for saving the life of Inspector Henry Kirk.

Deputy Chief Cashman gave an update on homicides to date and Commander Lindo updated the Commission in regards to housing.

Lieutenant Jim Spillane, Homicide, updated the Commission in regards to a death in an elevator shaft.

b. OCC Director's Report

- **Review of Recent Activities**

Director Hicks talked about cases opened and closed, mediation, and outreach.

c. Commission Reports

- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Sparks announced that on the 17th there will be a joint meeting with the Board of Supervisor's Public Safety Committee to talk about the PERF Recommendations. She also stated that the Citris Report will be calendared sometime early next year.

Commissioner Sparks also discussed noise around 3rd and Folsom and that the noise are made by officers and police cars trying to move people along and Commissioner Sparks stated that there are fliers posted around the

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neighborhood for a community meeting and asks the Department to look into it.

Commissioner Sparks also stated she met with the President of the Entertainment Commission and stated that the Entertainment Commission is supposed to get periodic reports from the Department in regards to problem clubs so that the Entertainment Commission can deal with permit issues. Commissioner Sparks stated that she recommends that the Department get a weekly report to the Entertainment Commission of clubs that are involved in violence so that the Entertainment Commission is aware and can get involved with clubs and club owners to try to get more or heavier security.

Commissioner Mazzucco thanked all the officers who worked Thanksgiving Day. Commissioner Mazzucco also suggested bringing back retired officers to work as reserve officers to walk beats with the younger officers to teach them how to do community policing. Commissioner Mazzucco would like to put this item on the agenda for discussion and action. Commissioner Sparks stated that this discussion can be included with the discussion in regards to implementation from all the studies being done.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO ADOPT DEPARTMENT GENERAL ORDER 2.02, "ALCOHOL USE BY MEMBERS"

Lieutenant Moser, Management Control Division, presented a report regarding best practices inside and outside of California as to alcohol use by members policy.

Dr. Murphy, Department's Physician, talked about what constitutes impairment.

Mr. Steve Johnson, POA, addressed the Commission and stated that the POA does not want to chance or increase the chance of false-positive readings. Commissioner Sparks stated that maybe there should be a discussion as to impairment as opposed to intoxication as an early intervention.

The following amendments were made to draft dated 03/27/08:

Page 2: 1.b. The member under investigation has tested .015 or higher blood/alcohol level.

Page 3: H.2. An off-duty unarmed officer who has consumed alcohol and is called back to duty in response to an emergency or for any other reason shall immediately inform his or her superior of the facts and circumstances relating to the alcohol consumption. Superior officers shall allow off-duty officers who reasonably believe that they may be impaired to decline to return to duty.

Page 4: A.1.h.i. Forward a copy of the report package in a sealed envelope clearly marked "confidential" to the Deputy Chief of Administration for him/her to review and recommend if intervention of the Employee Assistance Program is needed.

Page 4: A.2.d.ii. Recommend if intervention of the Employee Assistance Program is needed.

PUBLIC COMMENT
None

Motion by Commissioner Sparks, second by Commissioner Mazzucco

with amendments.

RESOLUTION 70-08

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 2.02, "ALCOHOL CONSUMPTION BY MEMBERS"

RESOLVED, that the Police Commission hereby adopts revised Department General Order 2.02, "Alcohol Consumption by Members," as amended, draft dated 03/27/08.

AYES: Commissioners Sparks, Marshall, DeJesus, Mazzucco,
ABSENT: Commissioners Lee, Onek

Commissioner Sparks announced that the closed session will be continued to next week.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**

- **Assignment of Disciplinary Charges filed in Case No. C08-190 RMW to an individual Commissioner for the taking of evidence on a date to be determined by the Commission** (Resolution 71-08, Assigned to Commissioner Petra DeJesus)
- **Assignment of an Appeal of the Chief's Suspension filed in Case No. MCD A046-04, KMO D07-070 to an individual Commissioner for the taking of evidence on a date to be determined by the Commission** (Resolution 72-08, Assigned to Commissioner Thomas Mazzucco)

b. **Scheduling of items identified for consideration at future Commission Meetings**

Commissioner Sparks stated that the interim rules for Patrol Specials will be on the agenda next week along with tonight's closed session items. On December 17th, there will be a joint meeting with the Board of Supervisors.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Closed Session continued to next week.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 4-0.

Thereafter, the meeting was adjourned at 8:23 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 10, 2008
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Report regarding Provision of Documents to the OCC

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members and crime trends
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

4. Discussion and possible action to adopt an interim Rules and Procedures for Patrol Special Officers and Their Assistants (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

Roll Call
(Closed Session)

6. Public Comment on all matters pertaining to Closed Session.

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 10, 2008

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   Discussion and possible action to grant or deny Motion to Dismiss filed in Disciplinary Case Nos. C06-181 JCT, C06-183 JCT, C06-184 JCT, C06-185 JCT, C06-186 JCT, and C06-187 JCT (ACTION ITEM)
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   Discussion and possible action to sustain or not sustain the disciplinary charges filed in Case No. C08-015(ACTION ITEM)

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE
COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

INTERIM RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS

ADOPTED [INSERT DATE]

Section 1.
GENERAL PRINCIPLES

1.01 AUTHORITY FOR RULES

The following Interim Rules and Procedures are adopted pursuant to the authority vested in the Police Commission by the Charter of the City and County of San Francisco Section 4.127. The Police Commission delegates to the Chief of Police and the Police Department the authority to implement and administer these Rules and Procedures within their capabilities and resources.

These Interim Rules shall be operative beginning January 15, 2009. The prior Rules (adopted in 1994 and amended in 1999) shall remain in place until the Interim Rules are operative on January 15, 2009. These Interim Rules shall remain in place until amended or repealed by the Police Commission.

It is the intention of the Police Commission to revisit the Interim Rules and adopt appropriate amendments after full consideration of a best practices study currently underway and scheduled for completion in 2009.

1.02 STATEMENT OF INTENT

These Rules and Procedures are intended to provide for the safe and efficient management and supervision of Patrol Special Police Officers (hereinafter referred to as "Patrol Specials") and Assistant Patrol Special Police Officers (hereinafter referred to as "Assistant Patrol Specials") by the Police Commission and the Chief of Police.

1.03 PATROL SPECIAL OFFICERS DUTIES

A. The Police Commission defines a Patrol Special Officer (approved by the Commission pursuant to San Francisco Charter Section 4.127) as a private patrol person, who contracts to perform security duties of a private nature for private persons and businesses within the geographical boundaries set forth by the Police Commission.

B. While a Patrol Special is performing duties as a private patrol person, he or she is an independent operator and not a member of the San Francisco Police Department nor an employee of the City and County of San Francisco.

1.04 HIRING OF ASSISTANT PATROL SPECIAL OFFICERS

Patrol Specials may hire as assistants only those persons who are duly licensed under section 7580 *et seq*. of the Business & Professions Code and approved by the ~~Chief of Police~~ Police Commission. Assistant Patrol Special Officers are employees of Patrol Special Officers.

1.05 AUTHORITY OF PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS

Patrol Special Officers and Assistant Patrol Special Officers are not expected to, nor shall they engage in general law enforcement duties; therefore, no need for peace officer status exists or is required. The Police Commission ~~does~~ has not ~~intend to~~ conferred such status on Patrol Special Officers or their Assistants. The arrest powers of Patrol Special Officers

and their Assistants shall be the same as any other private citizen as ~~those~~ enumerated in Penal Code Section 837.

1.06 FIREARMS

A. Patrol Specials are authorized to carry a loaded firearm only while on duty in uniform, or en route to or from being on duty, if they comply with all training and other provisions within Penal Code Section 12031(c) (1).

B. Assistant Patrol Specials are authorized to carry firearms only while on duty in uniform, or en route to or from being on duty as authorized by Penal Code Section 12031(d) (5) and if they comply with all training and other provisions pursuant to Penal Code Section 12033.

1.07 PROGRAM ADMINISTRATION

A. The Deputy Chief of Field. Operations Bureau is responsible for the administration of the Patrol Special Program. To discharge this responsibility, the Deputy Chief is authorized to and shall appoint a Program Administrator to run the day to day operation of the program.

B. For reporting ~~and disciplinary action~~purposes, Patrol Specials and Assistant Patrol Specials shall be under the supervision of the captains of the districts in which their beats are located. In case of multiple beats in multiple districts, the Program Administrator shall determine which district captain has authority over the Patrol Specials and Assistant Patrol Specials.

~~B.~~C. The Management Control Division shall investigate all allegations of misconduct or violations or rules governing the conduct of Patrol Special Officers and Assistant Patrol Special Officers.

Section 2
DEFINITION OF TERMS

Words used in these Rules and Procedures in the present tense include the future as well as the present; the masculine includes the feminine; the singular includes the plural and the plural the singular.

2.01 DEFINITIONS OF WORDS

The following words have, in these Rules and Procedures, the signification attached to them in this section unless otherwise apparent from the context.

A. CITY AND COUNTY

City and County of San Francisco.

B. CHARTER

Charter of the City and County of San Francisco.

C. COMMISSION

The Police Commission of the City and County of San Francisco.

D. DEPARTMENT

San Francisco Police Department.

E. P.O.S.T.

California Commission on Peace Officers Standards and Training.

F. CHIEF

The Chief of Police for the City and County of San Francisco.

G. POLICE OFFICER

Person appointed to the Department as a full-time, regularly salaried police officer as defined in California Penal Code section 630.1.

H. POLICE EMPLOYEES

All persons other than police officers appointed to the Department in any permanent or temporary Civil Service classification.

I. PATROL SPECIAL OFFICER

A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special Officer is the owner of a beat.

J. ASSISTANT PATROL SPECIAL

A private patrol person approved and appointed by the ~~Chief of Police~~ Police Commission and employed by a Patrol Special to perform security duties of a private nature for private persons or businesses within the assigned area of their employers beat. An Assistant Patrol Special is not the owner of a beat.

K. DISTRICT

An administrative area commanded by a Captain of Police.

L. BEAT

That area of patrol within which a Patrol Special Officer has contracted with private persons or businesses to perform security duties with permission granted from the Police Commission, per Charter section 4.127.

M. WATCH

An eight (8) hour tour of duty.

N. DAY

Twenty-four (24) hours commencing at 0001 hours, and ending 2400 hours the same day.

O. WEEK

Sever (7) successive twenty-four (24) hour periods commencing at 0001 hours Sunday.

P. SHALL

Mandatory.

Q. MAY

Permissive.

R. B & P Code

California Business and Professions Code.

S. SUPERVISORY OFFICER

A Q50 Police Sergeant assigned to supervise patrol functions with a police district.

T. SUPERVISING CAPTAIN

The Captain of Police commanding the d strict to which a Patrol Special is primarily designated for the administrative purposes described in these rules (e.g. ~~disciplinary actions,~~ reporting on and off duty~~, and beat sales~~).

Section 3

ORGANIZATION AND ADMINISTRATION

3.01 AUTHORITY TO APPOINT

A. The Police Commission ~~shall~~ has the authority to appoint Patrol Special Officers.

B. The ~~Chief of~~ Police Commission may appoint as Assistant Patrol Special Officers those qualified persons who have been nominated by a Patrol Special.

~~B.~~C. The Chief of Police shall forward to the Commission the complete application packet, including a full background investigation, and shall make a recommendation to the Police Commission regarding the applicant's qualification for appointment. The Chief shall endeavor to process applications in a reasonable period of time. The Chief shall report to the Commission quarterly regarding the number and status of all pending applications. The application process shall be confidential to the maximum extent allowed by law.

3.02 STATUS

Patrol Specials and Assistant Patrol Specials are not members of the uniform ranks of the Police Department and they are not employees of the City and County of San Francisco.

3.03 QUALIFICATIONS/REQUIREMENTS FOR PATROL SPECIAL OFFICERS

Patrol Specials at the time of appointment shall:

A. Be at least twenty-one (21) years of age.

B. Be of good moral character, as defined by the California Commission on Peace Officer Standards and Training.

C. Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.

D. Be a high school graduate or pass the General Education Development (G.E.D.) Test indicating high school graduation level.

E. Be fingerprinted by the San Francisco Police Department for the purpose of searching local, state, and national fingerprint files to disclose any criminal record.

F. Provide a letter, signed by a private physician, certifying that the private physician has examined the applicant and found the applicant to be free from any physical , emotional or mental condition which adversely affects the ability to safely exercise their duties.

G. Have successfully completed training as prescribed by the Chief of Police. Minimum training requirements will be established by the Commanding Officer of the San Francisco Police Academy upon approval of :he Chief of Police.

H. Have prepared and submitted the prescribed application to and received a written approval from the Deputy Chief of the Field Operations Bureau~~ and the commanding officer(s) of the district(s) involved~~.

I. Present evidence of insurance in the following amount:

1.

~~1.~~ For Patrol Special Police Officers who employ any person or persons, Workers' Compensation, in statutory amounts, with Employers' Liability Limits not less than $1,000,000 each accident, injury, or illness; and ~~Worker's Compensation and Employers Liability to cover themselves and their employees.~~

2. Commercial General Liability Insurance with limits not less than $1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Products and Completed Operations; and ~~Comprehensive bodily injury and property damage liability insurance, including automobile liability and including liability for assault and battery, false arrest, false imprisonment, malicious prosecution, libel and slander, and invasion of privacy. This insurance shall provide limits of liability of not less than $200,000 for property to each person and $,300.000 for each occurrence and $50,000 for property damage.~~

3. Commercial Automobile Liability Insurance with limits not less than $1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable.

~~2. Any comprehensive bodily injury and property damage liability policy or policies shall include the City and County of San Francisco, its officers or employees as an additional named insured, in the event any person shall charge or allege that the City and County of San Francisco, its officers or employees are liable or responsible for any act or contact of the Patrol Special's business whether by respondent superior or any other legal theory, and shall contain the following endorsement:~~

> ~~"Notwithstanding any other provision in the policy, the insurance afforded hereunder to the City of San Francisco shall be primary as to any other insurance or reinsurance covering or available to the City of San Francisco, and such other insurance or reinsurance shall not be required to contribute to any liability or loss until and unless the appropriate limit of liability afforded hereunder is exhausted."~~

~~Each of said policies of insurance shall contain a clause substantially in the following words:~~

> ~~"It is hereby understood and agreed that this policy may not be canceled, nor the amount of the coverage reduced, until ten clays after receipt by the City Attorney of the City and County of San Francisco a written notice of such cancellation or reduction of coverage, as evidenced by receipt of a registered letter."~~

~~All certificates of insurance must be approved as to form by the City Attorney of the City of San Francisco.~~ Commercial General Liability and Commercial Automobile Liability Insurance policies must provide the following:

(a) Name as Additional Insured the City and County of San Francisco, its Officers, Agents, and Employees.

(b) That such policies are primary insurance to any other insurance available to the Additional Insureds, with respect to any claims arising out of this Agreement, and that insurance applies separately to each insured against whom claim is made or suit is brought.

All policies shall provide thirty (30) days' advance written notice to City of reduction or nonrenewal of coverages or cancellation of coverages for any reason. Notices shall be sent to the following address: Office of the Police Commission, 850 Bryant Street, 5th Floor, San Francisco, CA 94103.

J. Be ~~approved and~~ recommended by the Chief of Police and approved by the Police Commission after the completion of a favorable background investigation.

K. Have completed the handgun qualification course with their on duty firearm at the San Francisco Police Range.

3.04 QUALIFICATIONS/REQUIREMENTS FOR ASSISTANT PATROL SPECIAL OFFICERS

Assistant Patrol Specials at the time of appointment shall:

A. Be twenty-one (21) years of age.

B. Be of good moral character, as defined by the California Commission on Peace Officer Standards and Training.

C. Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.

D. Be a high school graduate or pass the General Education Development (G.E.D.)Test indicating high school graduation level.

E. Be fingerprinted by the San Francisco Police Department for the purpose of searching local, state, and national fingerprint files to disclose any criminal record.

F. Provide a letter, signed by a private physician, certifying that the private physician has examined the applicant and found the applicant to be free from any physical, emotional or mental condition which adversely affects the ability to safely exercise their duties.

G. Be ~~approved and appointed~~ recommended by the Chief of Police and appointed by the Police Commission after the completion of a favorable background investigation.

H. Have successfully completed the training prescribed by the Chief of Police and secured the licensing prescribed by sections 12031(d) and 12033 of the Penal Code, and sections 7580 *et seq*. of the Business and Professions Code, and the Bureau of Consumer Affairs.

I. Have completed the handgun Qualification course with their on duty firearm at the San Francisco Police Range.

3.05 TRAINING

Patrol Specials and Assistant Patrol Specials shall participate in additional training as required by the Chief of Police. Costs for training provided by the San Francisco Police Department shall be paid for by the Patrol Specials and Assistant Patrol Specials prior to receiving such training at a rate commensurate with the rates charged to other private persons. Minimum annual training shall include:

A. Successful completion of the firearms qualifications course twice each year on dates set by the Range Master at the San Francisco Police Range.

B. Annual completion of twenty-four (24) hours of classroom instruction presented at the Police Academy, which may include general orders, bulletins and procedures that apply to Patrol Special Police Officers and their Assistants and could affect the performance of their duties.

3.06 EVALUATIONS

When directed by the Police Commission, the Chief of Police will provide to the Commission a written evaluation of Patrol Specials and Assistant Patrol Specials. The evaluations will be based on criteria set forth by the Commission which may include, but is not limited to, attendance records, field observations, and training.

3.07 BEAT SALES

A. Patrol Specials desiring to sell their beat(s) shall submit in triplicate (an original and two (2) copies) a written request for approval of sale to the ~~Commanding Officer(s) of the district(s) involved~~Program Administrator, and shall submit one (1) copy to the Secretary of the Police Commission. The request shall include:

1. A written description of the boundaries of the beat for sale;
2. Identification of the requesting purchaser; and
3. The beat number and the district(s) where it is located.

B. Purchaser shall meet all qualifications for appointment to Patrol Special as defined in Rule 3.03 prior to requesting the purchase of beat. A Patrol Special

may not own more than three (3) beats at one time (except those who own more than three (3) at the time of the amendment of this rule will not be required to sell any beat to bring them into compliance with this section, but they will be prohibited from making a future purchase). The requesting purchaser shall submit in triplicate (an original and two (2) copies) a written request to purchase said beat, to the ~~Commanding Officer(s) of the district(s) involved~~Program Administrator, and shall submit one (1) copy to the Secretary of the Police Commission the request to purchase shall include:

1. A statement that the purchaser is twenty-one (21) years of age.
2. A statement that the purchaser is a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
3. A statement that the purchaser is a high school graduate or has passed the General Education Development (G.E.D.) Test indicating high school graduation level.
4. A letter, signed by a private physician, certifying that the private physician has examined the purchaser and found the purchaser to be free from any physical, emotional or mental condition which prevents the safe exercise of the Patrol Special Officers duties.
5. A certificate of completion or notarized statement that the purchaser has successfully completed training as prescribed by the Chief of Police.
6. The number of beats already owned.

C. Upon notification of approval by the Secretary of the Police Commission to sell such beat, the seller shall submit to the Commission:

1. A notarized bill of sale (an original and three (3) copies) signed by both the seller and the approved purchaser; the bill of sale shall contain the total selling price, the terms of the agreement and shall not become final until the Commission has approved the sale.
2. A map outlining the beat boundaries.
3. A written legal description of the beat boundaries.
4. A list of clients, their addresses and phone numbers.
5. A cashier's check, in the sum of $500.00 payable to the San Francisco Police Department for the administrative processing and transfer fee.

3.08 SUBSCRIBERS

A. Patrol Specials shall neither solicit nor accept new subscribers in areas outside the confines of their beat.

B. Patrol Specials shall not accept new subscribers in unclaimed areas adjoining their beat without first applying to and receiving from the Police Commission, permission to annex the unclaimed area.

1. The Patrol Special requesting annexation shall submit an annexation application with a fee of S500.00 in the form of a cashier's check, payable to the San Francisco Police Department.

2. Upon approval by the Police Commission, the annexation of the unclaimed area shall be added to the applying Patrol Special's beat.

3.09 EMPLOYING ASSISTANT PATROL SPECIAL OFFICERS

Patrol Special Officers wishing to employ Assistant Patrol Specials shall submit to the ~~Supervising Captain~~Program Administrator and the Chief of Police a written request (an original and three (3) copies) for such, identifying the applicant fully, verifying completion of required training, stating whether the applicant possesses a current certification of appointment as an Assistant pursuant to Rule 3.04, and certifying that the Assistant Patrol Special will be employed a minimum of eight (8) hours per week.

3.10 DEPARTMENT PROPERTY

A. Patrol Specials shall be responsible for all Department property, including stars, identification cards, copies of these Rules and Procedures, and any other Department property held by them and their Assistants.

B. Upon the termination of the services or termination of the appointment of an Assistant, the employing Patrol Special Officer shall immediately obtain and return to the Department, all Department property held by the Assistant. Such property shall be brought to the ~~Supervising Captain~~Program Administrator within five (5) days after the effective date of the termination.

3.11 TERMINATION OF ASSISTANT PATROL SPECIAL OFFICER EMPLOYMENT

If a Patrol Special terminates the employment of an Assistant Patrol Special, the employing Patrol Special shall immediately submit a written report (an original and three (3) copies) of the termination of an Assistant Patrol Special to the ~~Supervising Captain of the district(s) involved~~Program Administrator, identifying the Assistant so terminated, the reason for the termination and the effective date of the termination. The report shall then be forwarded through the ~~Supervising Captain of the district station~~Program Administrator to the Deputy Chief of the Field Operations Bureau. Termination by an employing Patrol Special shall result in immediate cancellation of the terminated Assistant's ~~is~~ appointment as an assistant for all purposes unless the Assistant is concurrently employed by one or more other Patrol Specials.

3.12 DISCIPLINE PROCESS

A. BASIS FOR DISCIPLINARY ACTION

1. Orders, Directives and Procedures:

(a) Patrol Specials or their Assistants who violate any rule or procedure contained within these Rules and Procedures may be subject to disciplinary action.

(b) Pursuant to these Rules and Procedures, Patrol Specials and their Assistants shall obey all written orders of the Department that are not clearly inapplicable to their respective assignments.

(c) Patrol Specials may be held responsible and be subject to disciplinary action violations by Assistant Patrol Specials in their employment in cases where the Patrol Special has failed to adequately supervise the Assistant.

(d) Any person subject to these rules who fails to maintain any required license may be subject to disciplinary action.

B. DEFINITIONS

1. Admonishment: An admonishment is an advisory, corrective, or instructional action by a superior which does not constitute formal discipline. It is a warning only and not a punitive action.

2. Reprimand: A reprimand is a formal written punitive action which shall be noted or included in an individual's administrative file. A subsequent violation of a similar nature invites more serious punitive action.

3. Suspension: A Patrol Special's or an Assistant Patrol Special's appointment may be suspended.

4. Fine: A Patrol Special or an Assistant Patrol Special may be fined, after a hearing for a sum not exceeding one thousand dollars ($1,000.00) for each offense, payable to the San Francisco Police Department.

5. Termination: Revocation of appointment.

C. CHIEF'S ADMINISTRATION OF CORRECTIVE ACTION FOR PATROL SPECIALS AND ASSISTANT PATROL SPECIALS

~~1. Supervising Captain: Subject to the prior approval of the Chief, the Supervising Captain of the Patrol Special or Assistant Patrol Special may dispose of minor violations of orders, policy and procedures committed by a Patrol Special or an Assistant Patrol Special working in the district by re-instruction or admonishment.~~

~~2.~~1. Chief's Hearing: After investigation, when allegations of misconduct are sustained, the Chief or the Chief's designee may order a hearing at his or her discretion. The Chief or the Chief's designee may, in the alternative, give a Patrol Special or an Assistant Patrol Special notice of intended action.

(a) The notice shall be personally served on the Patrol Special or Assistant Patrol special by the ~~Supervising Captain~~Program Administrator or his/her designee. The notice shall inform the Patrol Special or Assistant Patrol Special of the proposed disciplinary penalty, the nature of the charge or allegation of misconduct, the basis for the charge or allegation and shall state that the material on which the charges shall be based is available for inspection. The notice shall inform the Patrol Special or Assistant Patrol Special that he/she has fifteen (15) calendar days from the date of the notice to request a hearing. If the Chief or the Chief's designee does not receive a request for a hearing within the prescribed time, the proposed penalty will be imposed.

(b) If a Patrol Special or Assistant Patrol Special is found to have violated any order, policy, or procedure of the Department or any order or instruction issued by competent authority, the Chief or his/her representative may impose any of the following:

(i) For a Patrol Special: counseling. retraining, admonishment, reprimand, fine, or referral by charges to the Commission for possible suspension or revocation of appointment.

(ii) For an Assistant Patrol Special: counseling, retraining, admonishment, reprimand, fine~~.~~ or referral by charges to the Commission for possible suspension or revocation of appointment.

(c) When an Assistant Patrol Special is charged with a violation, a copy of the notice of intended disciplinary action and other notices shall be mailed to the Patrol Special who employs the Assistant.

D. PATROL SPECIAL OFFICER'S HEARING BEFORE THE POLICE COMMISSION

If the Chief believes that sustained allegations of misconduct should result in suspension or termination of a Patrol Special Officer or Assistant Patrol Special, the matter shall be referred to the Police Commission. The Commission shall then conduct a hearing pursuant to the Commission's rule governing trials of disciplinary cases.

E. SUSPENSION PENDING HEARING

1. The Chief is authorized to suspend temporarily any Patrol Special Officer or Assistant Patrol Special Officer pending a hearing on allegations of serious misconduct or where public safety requires such action. The Chief shall immediately notify the Police Commission of such action in writing.

2. A Patrol Special or an Assistant Patrol Special placed on interim suspension is entitled to an administrative hearing. The Chief shall hold such hearing within five (5) working days of such suspension. The purpose of this hearing is to determine whether the Patrol Special or Assistant Patrol Special should remain suspended pending the disciplinary hearing.

3. A Patrol Special suspended pending the hearing of charges is entitled to a hearing before the Commission within thirty (30) calendar days of the interim suspension. The Police Commission may in its discretion, grant a continuance for a period of time that exceeds the thirty (30) calendar day period, if requested by the accused.

F. FORMAL CHARGES

1. A charge is formal written accusation, filed with the Commission, alleging misconduct on the part of a Patrol Special. Charges must be definite, clear, and specific.

2. Charges shall state the first name, middle initial and surname of the accused. Charges must contain a statement of facts constituting the grounds of the complaint in ordinary, concise language, subscribed by the Chief of Police.

G. SERVICE OF CHARGES SHALL BE ACCOMPLISHED AS FOLLOWS:

1. By serving a copy of the charges on the accuses personally and fling the original copy of the charges and the proof of service showing date, time

and place of service with the Commission as soon as practicable after service is accomplished.

2. If personal service is not made after reasonable diligence, a copy of the charges shall be left at the Patrol Special's or Assistant Patrol Special's last known residence in the presence of a competent member of the household at least 18 years of age who shall be informed of the contents thereof.

3. If personal service cannot be made or if a copy cannot be left with some, competent person over the age of 18 years at the last known residence of the accused, before the date set for trial, then a copy will be mailed by certified mail to the Patrol Special's or Assistant Patrol Special's last known address.

4. Charges shall be served at least seven (7) calendar days before the setting date for hearing. In computing said period of seven (7) calendar days, the date of service shall be excluded and the date of setting included.

5. When charges are served under the provisions of either sections 2 or 3 above, the officer serving same shall submit a report stating how service was made, the time of service, and file same with the original set of charges.

6. The original proof of service shall be filed with the Police Commission as soon as practicable after service is accomplished.

7. The subject Patrol Special or Assistant Patrol Special or his/her designated representative shall attend each session of the Police Commission at which the pending charges appear on the agenda.

H. DISCIPLINARY LIMITATIONS

Once a Patrol Special or an Assistant Patrol Special has been formally punished for a violation(s), such individual shall not receive any other punishment for the same incident. However, prior sustained allegations of misconduct or imposition of disciplinary action may be considered in a subsequent disciplinary proceeding(s) for purposes of fixing penalties.

3.13 CITIZEN COMPLAINTS

The intent of this rule is to set forth procedures for the receipt, investigation and disposition of allegations of misconduct made against Patrol Specials or Assistants by private citizens.

A. RECEIPT OF COMPLAINTS

1. Citizen complaints of misconduct against Patrol Specials or Assistants, whether received by letter, telephone or in person, shall be accepted by any member of the Department. The member accepting the complaint shall immediately refer the matter to the senior-ranking officer on-duty in the station, division or section where the complaint is being made, who shall be responsible for the immediate preparation of the SFPD 83, Management Control Division Case form.

2. The senior-ranking on-duty officer in a district, division or section (other than the Management Control Division) to whom a citizen's complaint against a Patrol Special or Assistant is given or referred shall:

(a) In all cases prepare and send a completed copy of SFPD 83 in a sealed envelope to the Management Control Division in the next transfer of orders.

(b) Remain personally responsible for the conduct of matters until relieved of responsibility by proper authority.

(c) Evaluate the seriousness of the allegation to ascertain whether an immediate initial administrative investigation should proceed. The criterion requiring an immediate investigation at a district, division or section level in addition to any investigation, which may be conducted by the Management Control Division, is that the investigation will be jeopardized by a delay.

Examples:

(i) The conduct which is the subject of the complaint, purportedly had been committed by personnel who are still working at the time the complaint is being made.

(ii) The complaint alleges unfitness of a Patrol Special or Assistant to perform his/her service.

(iii) The allegation, if proved, constitutes criminal conduct on the part of a Patrol Special or Assistant.

(d) The senior-ranking on-duty officer in cases requiring an immediate initial investigation shall prepare an initial investigatory report in addition to the SFPD 83 addressed to his/her Commanding Officer before reporting off-duty.

(e) The initial investigatory report shall contain such information as can reasonably be obtained before the senior-ranking officer reports off-duty.

Examples:

(i) Full identification of all witnesses.

(ii) Summary statements from all witnesses.

(iii) Preliminary findings and recommendations, where appropriate.

3. In instances where it is necessary to relieve a Patrol Special or Assistant as unfit for duty; in which the allegation of misconduct constitutes criminal activity; in which the individual has been - arrested; or in which the individual is accused of other extremely serious misconduct, the senior-ranking on-duty officer shall contact the appropriate ~~Supervising Captain~~Program Administrator at any time of the day or night.

(a) The ~~Supervising Captain~~Program Administrator shall assure that the proper investigative steps are being taken, and if required by the circumstances, shall respond to the unit and take personal charge of the investigation. Once notified, whether responding or not, the ~~Supervising Captain~~Program Administrator shell be personally responsible for the conduct of the investigation.

B. RECEIPT OF COMPLAINTS AT MANAGEMENT CONTROL

Complaints received directly at Management Control Division and complaints received in the form of SFPD 83 prepared by other divisions, districts or sections shall be assigned a Management Control Division file number by the Management Control Division Commanding Officer.

1. The Commanding Officer of Management Control Division shall assign the investigation of the complaint to either Management Control Division personnel or the ~~Supervising Captain~~Program Administrator of the accused.

2. The ~~Supervising Captain~~Program Administrator of the accused shall have forty-five (45) calendar days from assignment of the investigation to return it to Management Control Division.

C. INVESTIGATION REPORT

The results of the investigation shall be prepared on an SFPD 68 (Memorandum Form), addressed to the Chief of Police according to the below format:

1. Page 1: Shall induce individual's name, type of complaint, (Unnecessary force, Unwarranted Action, Neglect of Duty or Misconduct) case number, date, time and place of occurrence, complaint (briefly, what the Patrol Special or Assistant Patrol Special is accused of) and focus of investigation.

2. Page 2: Involved parties/witnesses.

3. Page 3: Shall include a description of the investigation, which should consist of a brief chronology that includes who was interviewed and any other evidence developed which aided the investigation.

4. Page 4: Summary Statements of those interviewed.

5. Page 5: Shall include the Conclusion (a narrative as to what and how you reached your conclusion).

6. Page 6: Shall include the Recommendation, i.e., "I recommend that the allegations made against … NAME … of … NEGLECT OF DUTY…(or other appropriate category), be classified as INSUFFICIENT ... (or other appropriate finding)."

7. Page 7: Attachments.

D. CATEGORIES OF FINDINGS

1. Improper Conduct: The investigation disclosed enough evidence to clearly prove the allegation of misconduct.

2. Insufficient Evidence: The investigation failed to reveal and document enough evidence to clearly prove or disprove the allegation.

3. Proper Conduct: The act or event for which the allegation of misconduct was made did not occur; or investigation reveals that the action was justified, lawful, and proper.

4. Policy Failure: The act which provided the basis for the complaint did occur; however, while the investigation revealed that at the time of occurrence, the policy of the department under which the act was performed was unconstitutional, illegal or otherwise deficient.

5. Unfounded: The investigation conclusively proved the incident complained of did not occur, or that the individual named in the complaint was not involved.

E. CATEGORIES OF RECOMMENDATIONS

Based on the above Conclusions, one of the below recommendations shall be mace (Items 1 through 5, are not deemed to be disciplinary action):

1. That the matter be closed and filed.
2. That the individual be counseled.
3. That the individual be retrained.
4. That policy or procedure be changed.
5. That an individual be orally admonished.
6. That an individual be given a written reprimand.
7. That the matter be referred to the Chief for further action.
8. That criminal charges be filed.

F. CITIZEN NOTIFICATION

Upon the completion of each formal investigation, the Commanding Officer of the Management Control Division shall assure that the complainant and the accused receive a letter containing the final disposition of the case.

G. REPORTS OF MISCONDUCT BY PATROL SPECIALS OR ASSISTANTS

When a Patrol Special or Assistant Patrol Special makes a complaint against another Patrol Special or Assistant, arising from the duties described in these Rules, or a member of the Department, the accusing individual shall prepare a Memorandum, not a Form SFPD 83, addressed to his/her ~~Supervising Captain~~Program Administrator.

3.14 SUSPENSION

Patrol Specials and Assistant Patrol Specials under suspension shall remain subject to applicable orders of the Chief and these Rules and Procedures.

3.15 ADVERTISING

A. APPROVAL OF ADVERTISING MATERIALS

All written advertising by Patrol Specials shall be submitted to the Chief of Police or the Chief's designee through channels for approval before distribution to the public.

B. REQUIRED DISCLOSURE STATEMENT

In any written advertising or solicitation of accounts, Patrol Specials shall include the following statement using a font no smaller than 12 point Courier at the conclusion of their advertising or solicitation document:

> "Patrol Special Officers and their Assistants are not members or employees of the San Francisco Police Department and are not peace officers as defined by the California Penal Code and as such are not ~~required~~ authorized to perform general law enforcement duties. Contracts for street patrol or fixed patrol services offered by Patrol Special Officers are strictly voluntary. Such Services are in addition to and different from patrol services provided by the San Francisco Police Department. The City and County of San Francisco will not provide a defense nor pay damages from conduct of Patrol Specials or their employees undertaken on behalf of subscribers."

C. BUSINESS CARDS AND OTHER IDENTIFICATION

Patrol Special Officers and their Assistants shall not list any police or public facility, including but not limited to a Police District Station, as their place of business or as a location where they may be contacted.

3.16 OTHER EMPLOYMENT

Patrol Specials and Assistants shall neither operate nor be employed by any private patrol or an investigative business in conjunction with Patrol Special services.

3.17 LIABILITY

Patrol Specials shall not represent to their subscribers or potential subscribers that the City and County of San Francisco will provide a defense nor pay damages resulting from conduct of Patrol Specials or the r employees undertaken on behalf of subscribers.

3.18 PEACE OFFICER STATUS

Patrol Specials and Assistant Patrol Specials shall not represent that they are peace officers under state law or that they are authorized to exercise peace officer powers.

3.19 SOLICITATION BY DEPARTMENT MEMBERS

No Patrol Special or Assistant Patrol Special shall employ or encourage any member of the Department to solicit clients on behalf of any Beat Owner.

Section 4

DUTIES AND RESPONSIBILITIES

4.01 TERMS OF CONTRACTS

Patrol Specials and Assistant Patrol Specials shall observe the terms of their contractual relationships with the person(s) that subscribe to their services.

4.02 PERFORMANCE OF DUTIES

Patrol Specials and Assistant Patrol Specials shall perform all their duties in the manner prescribed by law and by these Rules.

4.03 ORDERS OF POLICE OFFICERS

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers.

4.04 INVESTIGATIONS

Patrol Specials and Assistant Patrol Specials shall, when called upon by a police officer or by one specially assigned by lawful authority to conduct an investigation involving a police matter, truthfully answer all questions propounded. All reports, statements and declarations made orally or in writing in the foregoing matters shall contain the truth without evasion.

4.05 INCIDENT REPORTS

Patrol Specials and Assistant Patrol Specials shall summon a police officer, or make courteous and proper referral, whenever a person asks them to accept a report of a police incident. Patrol Special Officers or their Assistants may prepare a SECURITY REPORT that will immediately be submitted to a police officer for initial review, action and signature.

4.06 INCIDENTS REQUIRING POLICE ATTENTION

Patrol Specials and Assistant Patrol Specials shall, as soon as is reasonably possible, call to the attention of a police officer all incidents requiring police attention.

4.07 COOPERATION AT THE SCENE OF AN INCIDENT

Like any other private patrol person, Patrol Specials and Assistant Patrol Specials shall cooperate fully with the direction of the highest-ranking police officer present at the scene of an incident pursuant to the Penal Code of the State of California.

4.08 UNIFORM AND EQUIPMENT

Patrol Specials and Assistant Patrol Specials shall at all times while performing services to their subscribers, wear only the uniform and equipment items prescribed by the Commission.

No person other than an approved Patrol Special or Assistant Patrol Special may wear the prescribed uniform. Patrol Specials and Assistants shall not facilitate or allow any employee, volunteer or other person to wear the prescribed uniform who has not been approved by the Police Commission as a Patrol Special or Assistant Patrol Special.

4.09 CONDUCT TOWARD THE PUBLIC

Patrol Specials and Assistant Patrol Specials shall, in the performance of their services, be polite, civil and orderly in conduct and deportment, maintain patient decorum and command of temper and refrain from the use of harsh, violent, coarse, profane or uncivil language; and, shall, when requested, state their name, star number, and area of responsibility in a courteous manner.

4.10 RECORDS- MONTHLY SERVICE LOG

Patrol Specials and Assistant Patrol Specials shall maintain and submit quarterly to the Police Commission a Monthly Service Log that includes the beat(s), dates, and hours worked. This record shall be retained for a period of two (2) years and shall be subject to inspection by the Chief or his or her designated representative, or the Commission.

4.11 ATTENTION TO DUTY

Patrol Specials and Assistant Patrol Specials shall patrol their subscribers' locations within their beat constantly and diligently within the limits of their contractual obligations. Patrol Specials must personally participate in the patrol of their beats. They cannot rely solely on Assistants to conduct patrol services.

4.12 ASSISTANTS

Patrol Special Officers may employ as assistants one or more persons qualified under these rules and authorized to perform the services of the owner when the latter is off or on some type of leave for more than four days. The Patrol Special shall inform the ~~Supervising Captain~~Program Administrator of the substitution, in writing, at least twenty-four hours prior to the assistant performing such service, or in emergency situations, as soon as practicable.

4.13 MINIMUM HOURS OF WORK

Patrol Specials shall inform ~~the Supervising Captain and~~ the Program Administrator if an Assistant Patrol Special employed by them is no longer working the minimum number of hours specified in Rule 3.09.

4.14 RECORDS OF ASSISTANTS

Patrol Specials shall provide ~~the Supervising Captain and~~ the Program Administrator with the current names, addresses and telephone numbers of all Assistant Patrol Specials they employ, as well as any Patrol Special Officers who act as their assistant. This information is confidential and will be used for official use only.

4.15 RECORDS OF CLIENTS

Within 30 days after adoption of these Interim Rules and annually thereafter ~~Patrol Specials shall submit annually, and~~ no later than January 31st of each ~~year,~~year, Patrol Specials shall submit to the Police Commission: (1) a complete list of the clients on their beat ~~to the Police Commission~~, and (2) a complete list of fees charged to each client in the prior quarter. Notification in writing shall be made to the Police Commission of any additions or deletions of subscribers within their beats. Notification shall include the subscriber's name, address and telephone number. This information is confidential and will be used for official purposes only.

4.16 CHANGE OF ADDRESS/TELEPHONE NUMBER

Shall report in writing to the Secretary of the Police Commission and to the ~~Supervising Captain~~Program Administrator any change of residence, new address and/or telephone numbers, to include business and pager numbers of the Patrol Special Officer and all Assistants, within twenty-four (24) hours after the change has been made. This information is confidential and will be used for official purposes only.

4.17 COOPERATION WITH CRIMINAL INVESTIGATION

Patrol Specials and Assistant Patrol Specials shall provide all pertinent facts to and cooperate with those persons in the criminal justice system having responsibility for presentation of cases for court.

4.18 DISCHARGE OF FIREARM

Patrol Specials and Assistant Patrol Specials shall as soon as practical after the discharge of their firearm, notify the Communications Unit (911) and the station keeper of the district in which the discharge occurred, and submit a written statement of such fact to the ~~Supervising Captain~~Program Administrator. This written statement shall be in addition to any other report(s) made, and a copy shall be forwarded to the ~~Legal Division,~~Management Control Division.

4.19 COMPLAINTS, SUMMONS, SUBPOENAS

Patrol Specials and Assistant Patrol Specials shall, when served with a claim for damages, complaint, summons, or subpoena, involving possible liability on the par: of the City and County immediately notify the Legal Division in writing, indicating the date and time of service. When served with a summons and complaint, copies of these documents shall be forwarded immediately with the report.

4.20 CONDUCT

Any conduct by a Patrol Special Officer or an Assistant while on patrol which constitutes a breach of the peace or a failure to perform his or her contractual duties, or any conduct by a Patrol Special or Assistant Patrol Special while working which undermines his or her ability to discharge contractual duties which reflects discredit upon the Department (though such offenses are not specifically defined or laid down in these rules and procedures) shall be considered misconduct subjecting the Patrol Special or Assistant Patrol Special to disciplinary action as herein set forth.

4.21 RADIO PROCEDURES

When using the police radio frequencies, transmissions shall be brief and shall use proper radio procedures and codes. Patrol Specials and their Assistants shall not use their radio or any other means of communication to access or attempt to access information contained in CLETS, CABLE or any other local, state or federal summary criminal history database.

4.22 USE OF DEPARTMENT FACILITIES

Use of Police facilities is limited to official telephone calls, writing memos, use of inter-departmental mail and restrooms. Official use of the copiers and fax must be with the approval of the platoon commander. Personal telephone calls, messages or mail shall not be directed to any police facility.

4.23 ACCESS TO INFORMATION

The use of facilities does not include the use or direct access to CLETS, CABLE or Department computer terminals or any criminal files.

4.24 DISTRICT STATION LIAISON OFFICER

The Field Operations Bureau shall establish a "Patrol ~~Specie~~ Special Liaison" at each district station, appointed from the rank of lieutenant by the district captain. All Beat Owners shall contact the liaison of the district(s) in which their beat(s) exist(s) at least once a week to discuss any issues related to beat operation.

4.25 PROCEDURE FOR REPORTING ON AND OFF DUTY

Each day they work their beat(s), all Patrol Specials and Assistants shall report on and off duty in person to the Platoon Commander of the district to which they are primarily designated to allow a CAD entry to be made documenting their status. If they are scheduled to work multiple beats in multiple districts during the same shifts, they shall minimally notify the station keeper(s) of the other affected district(s) that they are on duty after making the initial notification in their primary district. ~~This procedure will begin immediately following the Commission's adoption of these revised Rules (7/98).~~

4.26 ON DUTY VEHICLE ACCIDENTS INVOLVING PATROL SPECIALS OR ASSISTANTS

Patrol Special Officers and Assistant Patrol Special Officers shall notify Communications if they are involved in a motor vehicle accident while on duty. They shall also notify the

on-duty Platoon Commander of the district police station they are assigned to. A Patrol Special Officer or Assistant Patrol Special Officer involved in an on-duty vehicle accident shall remain at the scene until a supervisory officer has responded and conducted his or her investigation.

Section 5

PROHIBITED ACTIVITIES

5.01 ENGAGING IN OTHER DUTIES

Patrol Specials and Assistant Patrol Specials shall not, while on duty, engage in any duties except as required by contractual obligations, or in accordance with Penal Code section 723.

5.02 TRAFFIC STOPS

Patrol Specials and Assistant Patrol Specials shall not make traffic stops.

5.03 CITATIONS

Patrol Specials and Assistant Patrol Specials shall not issue citations.

5.04 VEHICLE PURSUITS

Patrol Specials and Assistant Patrol Specials shall not operate their vehicle in other than a safe and defensive manner, complying fully with the California Vehicle Code. Patrol Specials and Assistant Patrol Specials shall not engage in vehicular pursuits.

5.05 TRANSPORTING PRISONERS

Patrol Specials and Assistant Patrol Specials shall not transport prisoners.

5.06 UNIFORM AND EQUIPMENT ITEMS DISPLAY OFF DUTY

Patrol Specials and Assistant Patrol Specials shall not wear or use any uniform or equipment item, including weapons, except en route to and from their beats, and while on-duty as a Patrol Special Officer or Assistant Patrol Special Officer in the City and County of San Francisco.

5.07 VEHICLE MODIFICATION

Patrol Specials and Assistant Patrol Specials shall not alter any duty vehicle in any way to allow it to be mistaken for an official law enforcement vehicle, and:

A. Shall obtain the approval of the Chief of Police before modifying the color scheme of any duty vehicle or placing any lettering, emblems, or decals thereon.

B. Shall not equip any duty vehicle with any additional emergency lighting equipment or any siren.

5.08 PROHIBITED FIREARMS

Patrol Specials and Assistant Patrol Specials shall not carry or have in their vehicle any type of shoulder firearm.

5.09 SLEEPING ON DUTY

Patrol Specials and Assistant Patrol Specials shall not sleep while on duty.

5.10 ALCOHOL AND DRUGS

Patrol Specials and Assistant Patrol Specials shall not, while on duty or in uniform, drink or consume any kind of intoxicating liquor. Shall not, while on duty or off duty consume possess or use any controlled substance without a valid prescription. Shall not, while on duty be under the Influence of any prescription or non-prescription drug that impairs the person's ability to carry out their duties.

5.11 FILING SUIT

Patrol Specials and Assistant Patrol Specials shall immediately notify the Commission if they bring suit against the City and County.

5.12 SUBPOENA SERVICE/CIVIL ACTIONS

Patrol Specials and Assistant Patrol Specials shall not serve a subpoena, summons or other paper in a civil action or render any assistance in such case.

5.13 BAIL BOND AGENTS

Patrol Specials and Assistant Patrol Specials shall not furnish information to bail bond agents or to their employees regarding persons arrested, or any investigations made or to be made, or any activity carried on or about to be carried on by the Department, except such as may be required by law. When information is furnished to a bail bond agent or to his employee in accordance with the law, that fact shall be made known immediately to the commanding officer of the district to which they are assigned.

5.14 RECOMMENDING ATTORNEYS

Patrol Specials and Assistant Patrol Specials shall not recommend to any persons the names or employment of any person as an attorney or bail bond agent.

Section 6

UNIFORM AND EQUIPMENT

6.01 UNIFORM AND EQUIPMENT EXPENSE

Patrol Specials and Assistant Patrol Specials shall, at their own expense, provide themselves with all required uniform and equipment items as specified by the Commission.

6.02 UNIFORM AND EQUIPMENT SPECIFICATIONS

A list and description of each article of uniform and equipment prescribed by these Rules and Procedures shall be kept in the office of the Police Commission and all uniform equipment items shall conform to said description. ~~Any uniform~~ Uniform changes from the previous Rules and Procedures will take effect ~~within six (6) months from the date of adoption~~ on January 15, 2009, the operative date of these amended Interim Rules and Procedures.

A. All uniform coats. trousers, cap, shirt, tie, shoes, rain cap cover, rain coat and pants to be of similar material and style as that required and prescribed for regular patrol persons in the San Francisco Police Department with the following exceptions:

1. BUTTONS: To be 24-ligne regulation San Francisco Patrol Special NICKEL BUTTONS on pocket flaps, shoulder straps, sleeves and caps.

2.	TROUSER STRIPES:	BLUE SOUTACHE, one-half inch wide on outside seams.
3.	SHIRTS AND JACKETS:	~~Light Blue~~BLUE SOUTACHE epaulettes on both shoulders.
4.	CAP EMBLEM:	Nickel plated.
5.	PATCHES.	Slyer with light blue background. San Francisco Police patch design.
6.	ROCKER:	"PATROL SPECIAL" Silver lettering sewn over uniform patch.
7.	NAME PLATE:	Blue lettering on silver nameplate. First name, initial and full last name.

B. Patrol Specials and Assistant Patrol Specials may, while on duty, be equipped with the following personal property:

1. Revolver (minimum 4-inch barrel) 38 Cal or.357 Magnum caliber loaded with six factory load cartridges, or semi automatic pistol, if qualified pursuant to current Department Certification, loaded with factory cartridges.
2. Cartridge container with extra cartridges.
3. 26" wooden baton.
4. Handcuffs and key.
5. Whistle.
6. Three cell flashlight (or equivalent) In good working order.
7. Memorandum book.
8. Street guide.
9. Call box key.
10. Chemical agent canister (aerosol), if certified by state law.

6.03 DEPARTMENT ISSUED PROPERTY

Patrol Specials and Assistant Patrol Specials shall, while on duty, be equipped with the following Department-issued property:

1. Six-point star.
2. Department identification card.

6.04 DISPLAY OF STAR

Patrol Specials and Assistant Patrol Specials shall, while in uniform, display the six-point star or the outermost garment over the left breast.

6.05 APPEARANCE

Patrol Specials and Assistant Patrol Specials shall be neat and clean in appearance and maintain uniform and equipment in good order and ready for immediate use.

6.06 LOSS OF UNIFORM OR EQUIPMENT

Patrol Specials and Assistant Patrol Specials shall be responsible for the safekeeping and authorized use of their uniform and equipment, and shall promptly make a written report of the loss of any firearm or Department-issued property to Supervising Captain and the Program Administrator.

6.07 JEWELRY AND ORNAMENTS

Shall not wear jewelry or personal ornaments affixed to any part of their uniform or equipment

6.08 RADIO EQUIPMENT

A Patrol Special may enter into an agreement with the Chief of Police permitting the Patrol Special to purchase and install radio equipment for the transmission and receiving of police radio calls on Police Department frequencies. Patrol Specials and Assistant Patrol Specials shall operate or permit to be operated radio equipment installed pursuant to Rule 6.8 only in accordance with Department rules and subject to the control of the Communications Unit.

6.09 VEHICLE INSPECTION

Shall present their duty vehicles for periodic inspection when directed by the Police Commission or the Chief of Police.

POLICE

PATROL SPECIAL
SAN FRANCISCO
POLICE
ORO EN PAZ
FIERRO
EN GUERRA

SAN FRANCISCO POLICE
COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

INTERIM RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS

ADOPTED [INSERT DATE]

Section 1.
GENERAL PRINCIPLES

1.01 AUTHORITY FOR RULES

The following Interim Rules and Procedures are adopted pursuant to the authority vested in the Police Commission by the Charter of the City and County of San Francisco Section 4.127. The Police Commission delegates to the Chief of Police and the Police Department the authority to implement and administer these Rules and Procedures within their capabilities and resources.

These Interim Rules shall be operative beginning January 15, 2009. The prior Rules (adopted in 1994 and amended in 1999) shall remain in place until the Interim Rules are operative on January 15, 2009. These Interim Rules shall remain in place until amended or repealed by the Police Commission.

It is the intention of the Police Commission to revisit the Interim Rules and adopt appropriate amendments after full consideration of a best practices study currently underway and scheduled for completion in 2009.

1.02 STATEMENT OF INTENT

These Rules and Procedures are intended to provide for the safe and efficient management and supervision of Patrol Special Police Officers (hereinafter referred to as "Patrol Specials") and Assistant Patrol Special Police Officers (hereinafter referred to as "Assistant Patrol Specials") by the Police Commission and the Chief of Police.

1.03 PATROL SPECIAL OFFICERS DUTIES

A. The Police Commission defines a Patrol Special Officer (approved by the Commission pursuant to San Francisco Charter Section 4.127) as a private patrol person, who contracts to perform security duties of a private nature for private persons and businesses within the geographical boundaries set forth by the Police Commission.

B. While a Patrol Special is performing duties as a private patrol person, he or she is an independent operator and not a member of the San Francisco Police Department nor an employee of the City and County of San Francisco.

1.04 HIRING OF ASSISTANT PATROL SPECIAL OFFICERS

Patrol Specials may hire as assistants only those persons who are duly licensed under section 7580 *et seq.* of the Business & Professions Code and approved by the Police Commission. Assistant Patrol Special Officers are employees of Patrol Special Officers.

1.05 AUTHORITY OF PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS

Patrol Special Officers and Assistant Patrol Special Officers are not expected to, nor shall they engage in general law enforcement duties; therefore, no need for peace officer status exists or is required. The Police Commission has not conferred such status on Patrol Special Officers or their Assistants. The arrest powers of Patrol Special Officers and their Assistants shall be the same as any other private citizen as enumerated in Penal Code Section 837.

1.06 FIREARMS

A. Patrol Specials are authorized to carry a loaded firearm only while on duty in uniform, or en route to or from being on duty, if they comply with all training and other provisions within Penal Code Section 12031(c) (1).

B. Assistant Patrol Specials are authorized to carry firearms only while on duty in uniform, or en route to or from being on duty as authorized by Penal Code Section 12031(d) (5) and if they comply with all training and other provisions pursuant to Penal Code Section 12033.

1.07 PROGRAM ADMINISTRATION

A. The Deputy Chief of Field. Operations Bureau is responsible for the administration of the Patrol Special Program. To discharge this responsibility, the Deputy Chief is authorized to and shall appoint a Program Administrator to run the day to day operation of the program.

B. For reporting purposes, Patrol Specials and Assistant Patrol Specials shall be under the supervision of the captains of the districts in which their beats are located. In case of multiple beats in multiple districts, the Program Administrator shall determine which district captain has authority over the Patrol Specials and Assistant Patrol Specials.

C. The Management Control Division shall investigate all allegations of misconduct or violations or rules governing the conduct of Patrol Special Officers and Assistant Patrol Special Officers.

Section 2
DEFINITION OF TERMS

Words used in these Rules and Procedures in the present tense include the future as well as the present; the masculine includes the feminine; the singular includes the plural and the plural the singular.

2.01 DEFINITIONS OF WORDS

The following words have, in these Rules and Procedures, the signification attached to them in this section unless otherwise apparent from the context.

A. CITY AND COUNTY

City and County of San Francisco.

B. CHARTER

Charter of the City and County of San Francisco.

C. COMMISSION

The Police Commission of the City and County of San Francisco.

D. DEPARTMENT

San Francisco Police Department.

E. P.O.S.T.

California Commission on Peace Officers Standards and Training.

F. CHIEF

The Chief of Police for the City and County of San Francisco.

G. POLICE OFFICER

Person appointed to the Department as a full-time, regularly salaried police officer as defined in California Penal Code section 630.1.

H. POLICE EMPLOYEES

All persons other than police officers appointed to the Department in any permanent or temporary Civil Service classification.

I. PATROL SPECIAL OFFICER

A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special Officer is the owner of a beat.

J. ASSISTANT PATROL SPECIAL

A private patrol person approved and appointed by the Police Commission and employed by a Patrol Special to perform security duties of a private nature for private persons or businesses within the assigned area of their employers beat. An Assistant Patrol Special is not the owner of a beat.

K. DISTRICT

An administrative area commanded by a Captain of Police.

L. BEAT

That area of patrol within which a Patrol Special Officer has contracted with private persons or businesses to perform security duties with permission granted from the Police Commission, per Charter section 4.127.

M. WATCH

An eight (8) hour tour of duty.

N. DAY

Twenty-four (24) hours commencing at 0001 hours, and ending 2400 hours the same day.

O. WEEK

Sever (7) successive twenty-four (24) hour periods commencing at 0001 hours Sunday.

P. SHALL

Mandatory.

Q. MAY

Permissive.

R. B & P Code

California Business and Professions Code.

S. SUPERVISORY OFFICER

A Q50 Police Sergeant assigned to supervise patrol functions with a police district.

T. SUPERVISING CAPTAIN

The Captain of Police commanding the d strict to which a Patrol Special is primarily designated for the administrative purposes described in these rules (e.g. reporting on and off duty).

Section 3
ORGANIZATION AND ADMINISTRATION

3.01 AUTHORITY TO APPOINT

A. The Police Commission has the authority to appoint Patrol Special Officers.

B. The Police Commission may appoint as Assistant Patrol Special Officers those qualified persons who have been nominated by a Patrol Special.

C. The Chief of Police shall forward to the Commission the complete application packet, including a full background investigation, and shall make a recommendation to the Police Commission regarding the applicant's qualification for appointment. The Chief shall endeavor to process applications in a reasonable period of time. The Chief shall report to the Commission quarterly regarding the number and status of all pending applications. The application process shall be confidential to the maximum extent allowed by law.

3.02 STATUS

Patrol Specials and Assistant Patrol Specials are not members of the uniform ranks of the Police Department and they are not employees of the City and County of San Francisco.

3.03 QUALIFICATIONS/REQUIREMENTS FOR PATROL SPECIAL OFFICERS

Patrol Specials at the time of appointment shall:

A. Be at least twenty-one (21) years of age.

B. Be of good moral character, as defined by the California Commission on Peace Officer Standards and Training.

C. Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.

D. Be a high school graduate or pass the General Education Development (G.E.D.) Test indicating high school graduation level.

E. Be fingerprinted by the San Francisco Police Department for the purpose of searching local, state, and national fingerprint files to disclose any criminal record.

F. Provide a letter, signed by a private physician, certifying that the private physician has examined the applicant and found the applicant to be free from any physical , emotional or mental condition which adversely affects the ability to safely exercise their duties.

G. Have successfully completed training as prescribed by the Chief of Police. Minimum training requirements will be established by the Commanding Officer of the San Francisco Police Academy upon approval of :he Chief of Police.

H. Have prepared and submitted the prescribed application to and received a written approval from the Deputy Chief of the Field Operations Bureau.

I. Present evidence of insurance in the following amount:

1. For Patrol Special Police Officers who employ any person or persons, Workers' Compensation, in statutory amounts, with Employers' Liability Limits not less than $1,000,000 each accident, injury, or illness;

2. Commercial General Liability Insurance with limits not less than $1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Products and Completed Operations; and

3. Commercial Automobile Liability Insurance with limits not less than $1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable.

Commercial General Liability and Commercial Automobile Liability Insurance policies must provide the following:

(a) Name as Additional Insured the City and County of San Francisco, its Officers, Agents, and Employees.

(b) That such policies are primary insurance to any other insurance available to the Additional Insureds, with respect to any claims arising out of this Agreement, and that insurance applies separately to each insured against whom claim is made or suit is brought.

All policies shall provide thirty (30) days' advance written notice to City of reduction or nonrenewal of coverages or cancellation of coverages for any reason. Notices shall be sent to the following address: Office of the Police Commission, 850 Bryant Street, 5th Floor, San Francisco, CA 94103.

J. Be recommended by the Chief of Police and approved by the Police Commission after the completion of a favorable background investigation.

K. Have completed the handgun qualification course with their on duty firearm at the San Francisco Police Range.

3.04 QUALIFICATIONS/REQUIREMENTS FOR ASSISTANT PATROL SPECIAL OFFICERS

Assistant Patrol Specials at the time of appointment shall:

A. Be twenty-one (21) years of age.

B. Be of good moral character, as defined by the California Commission on Peace Officer Standards and Training.

C. Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.

D. Be a high school graduate or pass the General Education Development (G.E.D.)Test indicating high school graduation level.

E. Be fingerprinted by the San Francisco Police Department for the purpose of searching local, state, and national fingerprint files to disclose any criminal record.

F. Provide a letter, signed by a private physician, certifying that the private physician has examined the applicant and found the applicant to be free from any physical, emotional or mental condition which adversely affects the ability to safely exercise their duties.

G. Be recommended by the Chief of Police and appointed by the Police Commission after the completion of a favorable background investigation.

H. Have successfully completed the training prescribed by the Chief of Police and secured the licensing prescribed by sections 12031(d) and 12033 of the Penal Code, and sections 7580 *et seq.* of the Business and Professions Code, and the Bureau of Consumer Affairs.

I. Have completed the handgun Qualification course with their on duty firearm at the San Francisco Police Range.

3.05 TRAINING

Patrol Specials and Assistant Patrol Specials shall participate in additional training as required by the Chief of Police. Costs for training provided by the San Francisco Police Department shall be paid for by the Patrol Specials and Assistant Patrol Specials prior to receiving such training at a rate commensurate with the rates charged to other private persons. Minimum annual training shall include:

A. Successful completion of the firearms qualifications course twice each year on dates set by the Range Master at the San Francisco Police Range.

B. Annual completion of twenty-four (24) hours of classroom instruction presented at the Police Academy, which may include general orders, bulletins and procedures that apply to Patrol Special Police Officers and their Assistants and could affect the performance of their duties.

3.06 EVALUATIONS

When directed by the Police Commission, the Chief of Police will provide to the Commission a written evaluation of Patrol Specials and Assistant Patrol Specials. The evaluations will be based on criteria set forth by the Commission which may include, but is not limited to, attendance records, field observations, and training.

3.07 BEAT SALES

A. Patrol Specials desiring to sell their beat(s) shall submit in triplicate (an original and two (2) copies) a written request for approval of sale to the Program Administrator, and shall submit one (1) copy to the Secretary of the Police Commission. The request shall include:

1. A written description of the boundaries of the beat for sale;
2. Identification of the requesting purchaser; and
3. The beat number and the district(s) where it is located.

B. Purchaser shall meet all qualifications for appointment to Patrol Special as defined in Rule 3.03 prior to requesting the purchase of beat. A Patrol Special may not own more than three (3) beats at one time (except those who own more than three (3) at the time of the amendment of this rule will not be required to sell

any beat to bring them into compliance with this section, but they will be prohibited from making a future purchase). The requesting purchaser shall submit in triplicate (an original and two (2) copies) a written request to purchase said beat, to the Program Administrator, and shall submit one (1) copy to the Secretary of the Police Commission the request to purchase shall include:

1. A statement that the purchaser is twenty-one (21) years of age.
2. A statement that the purchaser is a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
3. A statement that the purchaser is a high school graduate or has passed the General Education Development (G.E.D.) Test indicating high school graduation level.
4. A letter, signed by a private physician, certifying that the private physician has examined the purchaser and found the purchaser to be free from any physical, emotional or mental condition which prevents the safe exercise of the Patrol Special Officers duties.
5. A certificate of completion or notarized statement that the purchaser has successfully completed training as prescribed by the Chief of Police.
6. The number of beats already owned.

C. Upon notification of approval by the Secretary of the Police Commission to sell such beat, the seller shall submit to the Commission:

1. A notarized bill of sale (an original and three (3) copies) signed by both the seller and the approved purchaser; the bill of sale shall contain the total selling price, the terms of the agreement and shall not become final until the Commission has approved the sale.
2. A map outlining the beat boundaries.
3. A written legal description of the beat boundaries.
4. A list of clients, their addresses and phone numbers.
5. A cashier's check, in the sum of $500.00 payable to the San Francisco Police Department for the administrative processing and transfer fee.

3.08 SUBSCRIBERS

A. Patrol Specials shall neither solicit nor accept new subscribers in areas outside the confines of their beat.

B. Patrol Specials shall not accept new subscribers in unclaimed areas adjoining their beat without first applying to and receiving from the Police Commission, permission to annex the unclaimed area.

1. The Patrol Special requesting annexation shall submit an annexation application with a fee of S500.00 in the form of a cashier's check, payable to the San Francisco Police Department.
2. Upon approval by the Police Commission, the annexation of the unclaimed area shall be added to the applying Patrol Special's beat.

3.09 EMPLOYING ASSISTANT PATROL SPECIAL OFFICERS

Patrol Special Officers wishing to employ Assistant Patrol Specials shall submit to the Program Administrator and the Chief of Police a written request (an original and three (3) copies) for such, identifying the applicant fully, verifying completion of required training, stating whether the applicant possesses a current certification of appointment as an Assistant pursuant to Rule 3.04, and certifying that the Assistant Patrol Special will be employed a minimum of eight (8) hours per week.

3.10 DEPARTMENT PROPERTY

A. Patrol Specials shall be responsible for all Department property, including stars, identification cards, copies of these Rules and Procedures, and any other Department property held by them and their Assistants.

B. Upon the termination of the services or termination of the appointment of an Assistant, the employing Patrol Special Officer shall immediately obtain and return to the Department, all Department property held by the Assistant. Such property shall be brought to the Program Administrator within five (5) days after the effective date of the termination.

3.11 TERMINATION OF ASSISTANT PATROL SPECIAL OFFICER EMPLOYMENT

If a Patrol Special terminates the employment of an Assistant Patrol Special, the employing Patrol Special shall immediately submit a written report (an original and three (3) copies) of the termination of an Assistant Patrol Special to the Program Administrator, identifying the Assistant so terminated, the reason for the termination and the effective date of the termination. The report shall then be forwarded through the Program Administrator to the Deputy Chief of the Field Operations Bureau. Termination by an employing Patrol Special shall result in immediate cancellation of the terminated Assistant's appointment as an assistant for all purposes unless the Assistant is concurrently employed by one or more other Patrol Specials.

3.12 DISCIPLINE PROCESS

A. BASIS FOR DISCIPLINARY ACTION

1. Orders, Directives and Procedures:

(a) Patrol Specials or their Assistants who violate any rule or procedure contained within these Rules and Procedures may be subject to disciplinary action.

(b) Pursuant to these Rules and Procedures, Patrol Specials and their Assistants shall obey all written orders of the Department that are not clearly inapplicable to their respective assignments.

(c) Patrol Specials may be held responsible and be subject to disciplinary action violations by Assistant Patrol Specials in their employment in cases where the Patrol Special has failed to adequately supervise the Assistant.

(d) Any person subject to these rules who fails to maintain any required license may be subject to disciplinary action.

B. DEFINITIONS

1. Admonishment: An admonishment is an advisory, corrective, or instructional action by a superior which does not constitute formal discipline. It is a warning only and not a punitive action.

2. Reprimand: A reprimand is a formal written punitive action which shall be noted or included in an individual's administrative file. A subsequent violation of a similar nature invites more serious punitive action.

3. Suspension: A Patrol Special's or an Assistant Patrol Special's appointment may be suspended.

4. Fine: A Patrol Special or an Assistant Patrol Special may be fined, after a hearing for a sum not exceeding one thousand dollars ($1,000.00) for each offense, payable to the San Francisco Police Department.

5. Termination: Revocation of appointment.

C. CHIEF'S ADMINISTRATION OF CORRECTIVE ACTION FOR PATROL SPECIALS AND ASSISTANT PATROL SPECIALS

1. Chief's Hearing: After investigation, when allegations of misconduct are sustained, the Chief or the Chief's designee may order a hearing at his or her discretion. The Chief or the Chief's designee may, in the alternative, give a Patrol Special or an Assistant Patrol Special notice of intended action.

(a) The notice shall be personally served on the Patrol Special or Assistant Patrol special by the Program Administrator or his/her designee. The notice shall inform the Patrol Special or Assistant Patrol Special of the proposed disciplinary penalty, the nature of the charge or allegation of misconduct, the basis for the charge or allegation and shall state that the material on which the charges shall be based is available for inspection. The notice shall inform the Patrol Special or Assistant Patrol Special that he/she has fifteen (15) calendar days from the date of the notice to request a hearing. If the Chief or the Chief's designee does not receive a request for a hearing within the prescribed time, the proposed penalty will be imposed.

(b) If a Patrol Special or Assistant Patrol Special is found to have violated any order, policy, or procedure of the Department or any order or instruction issued by competent authority, the Chief or his/her representative may impose any of the following:

(i) For a Patrol Special: counseling. retraining, admonishment, reprimand, fine, or referral by charges to the Commission for possible suspension or revocation of appointment.

(ii) For an Assistant Patrol Special: counseling, retraining, admonishment, reprimand, fine or referral by charges to the Commission for possible suspension or revocation of appointment.

(c) When an Assistant Patrol Special is charged with a violation, a copy of the notice of intended disciplinary action and other notices shall be mailed to the Patrol Special who employs the Assistant.

D. PATROL SPECIAL OFFICER'S HEARING BEFORE THE POLICE COMMISSION

If the Chief believes that sustained allegations of misconduct should result in suspension or termination of a Patrol Special Officer or Assistant Patrol Special, the matter shall be referred to the Police Commission. The Commission shall then conduct a hearing pursuant to the Commission's rule governing trials of disciplinary cases.

E. SUSPENSION PENDING HEARING

1. The Chief is authorized to suspend temporarily any Patrol Special Officer or Assistant Patrol Special Officer pending a hearing on allegations of serious misconduct or where public safety requires such action. The Chief shall immediately notify the Police Commission of such action in writing.

2. A Patrol Special or an Assistant Patrol Special placed on interim suspension is entitled to an administrative hearing. The Chief shall hold such hearing within five (5) working days of such suspension. The purpose of this hearing is to determine whether the Patrol Special or Assistant Patrol Special should remain suspended pending the disciplinary hearing.

3. A Patrol Special suspended pending the hearing of charges is entitled to a hearing before the Commission within thirty (30) calendar days of the interim suspension. The Police Commission may in its discretion, grant a continuance for a period of time that exceeds the thirty (30) calendar day period, if requested by the accused.

F. FORMAL CHARGES

1. A charge is formal written accusation, filed with the Commission, alleging misconduct on the part of a Patrol Special. Charges must be definite, clear, and specific.

2. Charges shall state the first name, middle initial and surname of the accused. Charges must contain a statement of facts constituting the grounds of the complaint in ordinary, concise language, subscribed by the Chief of Police.

G. SERVICE OF CHARGES SHALL BE ACCOMPLISHED AS FOLLOWS:

1. By serving a copy of the charges on the accuses personally and fling the original copy of the charges and the proof of service showing date, time and place of service with the Commission as soon as practicable after service is accomplished.

2. If personal service is not made after reasonable diligence, a copy of the charges shall be left at the Patrol Special's or Assistant Patrol Special's last known residence in the presence of a competent member of the household at least 18 years of age who shall be informed of the contents thereof.

3. If personal service cannot be made or if a copy cannot be left with some, competent person over the age of 18 years at the last known residence of the accused, before the date set for trial, then a copy will be mailed by certified mail to the Patrol Special's or Assistant Patrol Special's last known address.

4. Charges shall be served at least seven (7) calendar days before the setting date for hearing. In computing said period of seven (7) calendar days, the date of service shall be excluded and the date of setting included.

5. When charges are served under the provisions of either sections 2 or 3 above, the officer serving same shall submit a report stating how service was made, the time of service, and file same with the original set of charges.

6. The original proof of service shall be filed with the Police Commission as soon as practicable after service is accomplished.

7. The subject Patrol Special or Assistant Patrol Special or his/her designated representative shall attend each session of the Police Commission at which the pending charges appear on the agenda.

H. DISCIPLINARY LIMITATIONS

Once a Patrol Special or an Assistant Patrol Special has been formally punished for a violation(s), such individual shall not receive any other punishment for the same incident. However, prior sustained allegations of misconduct or imposition of disciplinary action may be considered in a subsequent disciplinary proceeding(s) for purposes of fixing penalties.

3.13 CITIZEN COMPLAINTS

The intent of this rule is to set forth procedures for the receipt, investigation and disposition of allegations of misconduct made against Patrol Specials or Assistants by private citizens.

A. RECEIPT OF COMPLAINTS

1. Citizen complaints of misconduct against Patrol Specials or Assistants, whether received by letter, telephone or in person, shall be accepted by any member of the Department. The member accepting the complaint shall immediately refer the matter to the senior-ranking officer on-duty in the station, division or section where the complaint is being made, who shall be responsible for the immediate preparation of the SFPD 83, Management Control Division Case form.

2. The senior-ranking on-duty officer in a district, division or section (other than the Management Control Division) to whom a citizen's complaint against a Patrol Special or Assistant is given or referred shall:

(a) In all cases prepare and send a completed copy of SFPD 83 in a sealed envelope to the Management Control Division in the next transfer of orders.

(b) Remain personally responsible for the conduct of matters until relieved of responsibility by proper authority.

(c) Evaluate the seriousness of the allegation to ascertain whether an immediate initial administrative investigation should proceed. The criterion requiring an immediate investigation at a district, division or section level in addition to any investigation, which may be conducted by the Management Control Division, is that the investigation will be jeopardized by a delay.

Examples:

(i) The conduct which is the subject of the complaint, purportedly had been committed by personnel who are still working at the time the complaint is being made.

(ii) The complaint alleges unfitness of a Patrol Special or Assistant to perform his/her service.

(iii) The allegation, if proved, constitutes criminal conduct on the part of a Patrol Special or Assistant.

(d) The senior-ranking on-duty officer in cases requiring an immediate initial investigation shall prepare an initial investigatory report in addition to the SFPD 83 addressed to his/her Commanding Officer before reporting off-duty.

(e) The initial investigatory report shall contain such information as can reasonably be obtained before the senior-ranking officer reports off-duty.

Examples:

(i) Full identification of all witnesses.

(ii) Summary statements from all witnesses.

(iii) Preliminary findings and recommendations, where appropriate.

3. In instances where it is necessary to relieve a Patrol Special or Assistant as unfit for duty; in which the allegation of misconduct constitutes criminal activity; in which the individual has been - arrested; or in which the individual is accused of other extremely serious misconduct, the senior-ranking on-duty officer shall contact the appropriate Program Administrator at any time of the day or night.

(a) The Program Administrator shall assure that the proper investigative steps are being taken, and if required by the circumstances, shall respond to the unit and take personal charge of the investigation. Once notified, whether responding or not, the Program Administrator shell be personally responsible for the conduct of the investigation.

B. RECEIPT OF COMPLAINTS AT MANAGEMENT CONTROL

Complaints received directly at Management Control Division and complaints received in the form of SFPD 83 prepared by other divisions, districts or sections shall be assigned a Management Control Division file number by the Management Control Division Commanding Officer.

1. The Commanding Officer of Management Control Division shall assign the investigation of the complaint to either Management Control Division personnel or the Program Administrator of the accused.

2. The Program Administrator of the accused shall have forty-five (45) calendar days from assignment of the investigation to return it to Management Control Division.

C. INVESTIGATION REPORT

The results of the investigation shall be prepared on an SFPD 68 (Memorandum Form), addressed to the Chief of Police according to the below format:

1. Page 1: Shall induce individual's name, type of complaint, (Unnecessary force, Unwarranted Action, Neglect of Duty or Misconduct) case number,

date, time and place of occurrence, complaint (briefly, what the Patrol Special or Assistant Patrol Special is accused of) and focus of investigation.

2. Page 2: Involved parties/witnesses.

3. Page 3: Shall include a description of the investigation, which should consist of a brief chronology that includes who was interviewed and any other evidence developed which aided the investigation.

4. Page 4: Summary Statements of those interviewed.

5. Page 5: Shall include the Conclusion (a narrative as to what and how you reached your conclusion).

6. Page 6: Shall include the Recommendation, i.e., "I recommend that the allegations made against ... NAME ... of ... NEGLECT OF DUTY...(or other appropriate category), be classified as INSUFFICIENT ... (or other appropriate finding)."

7. Page 7: Attachments.

D. CATEGORIES OF FINDINGS

1. Improper Conduct: The investigation disclosed enough evidence to clearly prove the allegation of misconduct.

2. Insufficient Evidence: The investigation failed to reveal and document enough evidence to clearly prove or disprove the allegation.

3. Proper Conduct: The act or event for which the allegation of misconduct was made did not occur; or investigation reveals that the action was justified, lawful, and proper.

4. Policy Failure: The act which provided the basis for the complaint did occur; however, while the investigation revealed that at the time of occurrence, the policy of the department under which the act was performed was unconstitutional, illegal or otherwise deficient.

5. Unfounded: The investigation conclusively proved the incident complained of did not occur, or that the individual named in the complaint was not involved.

E. CATEGORIES OF RECOMMENDATIONS

Based on the above Conclusions, one of the below recommendations shall be mace (Items 1 through 5, are not deemed to be disciplinary action):

1. That the matter be closed and filed.

2. That the individual be counseled.

3. That the individual be retrained.

4. That policy or procedure be changed.

5. That an individual be orally admonished.

6. That an individual be given a written reprimand.

7. That the matter be referred to the Chief for further action.

8. That criminal charges be filed.

F. CITIZEN NOTIFICATION

Upon the completion of each formal investigation, the Commanding Officer of the Management Control Division shall assure that the complainant and the accused receive a letter containing the final disposition of the case.

G. REPORTS OF MISCONDUCT BY PATROL SPECIALS OR ASSISTANTS

When a Patrol Special or Assistant Patrol Special makes a complaint against another Patrol Special or Assistant, arising from the duties described in these Rules, or a member of the Department, the accusing individual shall prepare a Memorandum, not a Form SFPD 83, addressed to his/her Program Administrator.

3.14 SUSPENSION

Patrol Specials and Assistant Patrol Specials under suspension shall remain subject to applicable orders of the Chief and these Rules and Procedures.

3.15 ADVERTISING

A. APPROVAL OF ADVERTISING MATERIALS

All written advertising by Patrol Specials shall be submitted to the Chief of Police or the Chief's designee through channels for approval before distribution to the public.

B. REQUIRED DISCLOSURE STATEMENT

In any written advertising or solicitation of accounts, Patrol Specials shall include the following statement using a font no smaller than 12 point Courier at the conclusion of their advertising or solicitation document:

> "Patrol Special Officers and their Assistants are not members or employees of the San Francisco Police Department and are not peace officers as defined by the California Penal Code and as such are not authorized to perform general law enforcement duties. Contracts for street patrol or fixed patrol services offered by Patrol Special Officers are strictly voluntary. Such Services are in addition to and different from patrol services provided by the San Francisco Police Department. The City and County of San Francisco will not provide a defense nor pay damages from conduct of Patrol Specials or their employees undertaken on behalf of subscribers."

C. BUSINESS CARDS AND OTHER IDENTIFICATION

Patrol Special Officers and their Assistants shall not list any police or public facility, including but not limited to a Police District Station, as their place of business or as a location where they may be contacted.

3.16 OTHER EMPLOYMENT

Patrol Specials and Assistants shall neither operate nor be employed by any private patrol or an investigative business in conjunction with Patrol Special services.

3.17 LIABILITY

Patrol Specials shall not represent to their subscribers or potential subscribers that the City and County of San Francisco will provide a defense nor pay damages resulting from conduct of Patrol Specials or the r employees undertaken on behalf of subscribers.

3.18 PEACE OFFICER STATUS

Patrol Specials and Assistant Patrol Specials shall not represent that they are peace officers under state law or that they are authorized to exercise peace officer powers.

3.19 SOLICITATION BY DEPARTMENT MEMBERS

No Patrol Special or Assistant Patrol Special shall employ or encourage any member of the Department to solicit clients on behalf of any Beat Owner.

Section 4

DUTIES AND RESPONSIBILITIES

4.01 TERMS OF CONTRACTS

Patrol Specials and Assistant Patrol Specials shall observe the terms of their contractual relationships with the person(s) that subscribe to their services.

4.02 PERFORMANCE OF DUTIES

Patrol Specials and Assistant Patrol Specials shall perform all their duties in the manner prescribed by law and by these Rules.

4.03 ORDERS OF POLICE OFFICERS

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers.

4.04 INVESTIGATIONS

Patrol Specials and Assistant Patrol Specials shall, when called upon by a police officer or by one specially assigned by lawful authority to conduct an investigation involving a police matter, truthfully answer all questions propounded. All reports, statements and declarations made orally or in writing in the foregoing matters shall contain the truth without evasion.

4.05 INCIDENT REPORTS

Patrol Specials and Assistant Patrol Specials shall summon a police officer, or make courteous and proper referral, whenever a person asks them to accept a report of a police incident. Patrol Special Officers or their Assistants may prepare a SECURITY REPORT that will immediately be submitted to a police officer for initial review, action and signature.

4.06 INCIDENTS REQUIRING POLICE ATTENTION

Patrol Specials and Assistant Patrol Specials shall, as soon as is reasonably possible, call to the attention of a police officer all incidents requiring police attention.

4.07 COOPERATION AT THE SCENE OF AN INCIDENT

Like any other private patrol person, Patrol Specials and Assistant Patrol Specials shall cooperate fully with the direction of the highest-ranking police officer present at the scene of an incident pursuant to the Penal Code of the State of California.

4.08 UNIFORM AND EQUIPMENT

Patrol Specials and Assistant Patrol Specials shall at all times while performing services to their subscribers, wear only the uniform and equipment items prescribed by the Commission.

No person other than an approved Patrol Special or Assistant Patrol Special may wear the prescribed uniform. Patrol Specials and Assistants shall not facilitate or allow any employee, volunteer or other person to wear the prescribed uniform who has not been approved by the Police Commission as a Patrol Special or Assistant Patrol Special.

4.09 CONDUCT TOWARD THE PUBLIC

Patrol Specials and Assistant Patrol Specials shall, in the performance of their services, be polite, civil and orderly in conduct and deportment, maintain patient decorum and command of temper and refrain from the use of harsh, violent, coarse, profane or uncivil language; and, shall, when requested, state their name, star number, and area of responsibility in a courteous manner.

4.10 RECORDS- MONTHLY SERVICE LOG

Patrol Specials and Assistant Patrol Specials shall maintain and submit quarterly to the Police Commission a Monthly Service Log that includes the beat(s), dates, and hours worked. This record shall be retained for a period of two (2) years and shall be subject to inspection by the Chief or his or her designated representative, or the Commission.

4.11 ATTENTION TO DUTY

Patrol Specials and Assistant Patrol Specials shall patrol their subscribers' locations within their beat constantly and diligently within the limits of their contractual obligations. Patrol Specials must personally participate in the patrol of their beats. They cannot rely solely on Assistants to conduct patrol services.

4.12 ASSISTANTS

Patrol Special Officers may employ as assistants one or more persons qualified under these rules and authorized to perform the services of the owner when the latter is off or on some type of leave for more than four days. The Patrol Special shall inform the Program Administrator of the substitution, in writing, at least twenty-four hours prior to the assistant performing such service, or in emergency situations, as soon as practicable.

4.13 MINIMUM HOURS OF WORK

Patrol Specials shall inform the Program Administrator if an Assistant Patrol Special employed by them is no longer working the minimum number of hours specified in Rule 3.09.

4.14 RECORDS OF ASSISTANTS

Patrol Specials shall provide the Program Administrator with the current names, addresses and telephone numbers of all Assistant Patrol Specials they employ, as well as any Patrol Special Officers who act as their assistant. This information is confidential and will be used for official use only.

4.15 RECORDS OF CLIENTS

Within 30 days after adoption of these Interim Rules and annually thereafter no later than January 31st of each year, Patrol Specials shall submit to the Police Commission: (1) a complete list of the clients on their beat, and (2) a complete list of fees charged to each client in the prior quarter. Notification in writing shall be made to the Police Commission of any additions or deletions of subscribers within their beats. Notification shall include

the subscriber's name, address and telephone number. This information is confidential and will be used for official purposes only.

4.16 CHANGE OF ADDRESS/TELEPHONE NUMBER

Shall report in writing to the Secretary of the Police Commission and to the Program Administrator any change of residence, new address and/or telephone numbers, to include business and pager numbers of the Patrol Special Officer and all Assistants, within twenty-four (24) hours after the change has been made. This information is confidential and will be used for official purposes only.

4.17 COOPERATION WITH CRIMINAL INVESTIGATION

Patrol Specials and Assistant Patrol Specials shall provide all pertinent facts to and cooperate with those persons in the criminal justice system having responsibility for presentation of cases for court.

4.18 DISCHARGE OF FIREARM

Patrol Specials and Assistant Patrol Specials shall as soon as practical after the discharge of their firearm, notify the Communications Unit (911) and the station keeper of the district in which the discharge occurred, and submit a written statement of such fact to the Program Administrator. This written statement shall be in addition to any other report(s) made, and a copy shall be forwarded to the Management Control Division.

4.19 COMPLAINTS, SUMMONS, SUBPOENAS

Patrol Specials and Assistant Patrol Specials shall, when served with a claim for damages, complaint, summons, or subpoena, involving possible liability on the par: of the City and County immediately notify the Legal Division in writing, indicating the date and time of service. When served with a summons and complaint, copies of these documents shall be forwarded immediately with the report.

4.20 CONDUCT

Any conduct by a Patrol Special Officer or an Assistant while on patrol which constitutes a breach of the peace or a failure to perform his or her contractual duties, or any conduct by a Patrol Special or Assistant Patrol Special while working which undermines his or her ability to discharge contractual duties which reflects discredit upon the Department (though such offenses are not specifically defined or laid down in these rules and procedures) shall be considered misconduct subjecting the Patrol Special or Assistant Patrol Special to disciplinary action as herein set forth.

4.21 RADIO PROCEDURES

When using the police radio frequencies, transmissions shall be brief and shall use proper radio procedures and codes. Patrol Specials and their Assistants shall not use their radio or any other means of communication to access or attempt to access information contained in CLETS, CABLE or any other local, state or federal summary criminal history database.

4.22 USE OF DEPARTMENT FACILITIES

Use of Police facilities is limited to official telephone calls, writing memos, use of inter-departmental mail and restrooms. Official use of the copiers and fax must be with the approval of the platoon commander. Personal telephone calls, messages or mail shall not be directed to any police facility.

4.23 ACCESS TO INFORMATION

The use of facilities does not include the use or direct access to CLETS, CABLE or Department computer terminals or any criminal files.

4.24 DISTRICT STATION LIAISON OFFICER

The Field Operations Bureau shall establish a "Patrol Special Liaison" at each district station, appointed from the rank of lieutenant by the district captain. All Beat Owners shall contact the liaison of the district(s) in which their beat(s) exist(s) at least once a week to discuss any issues related to beat operation.

4.25 PROCEDURE FOR REPORTING ON AND OFF DUTY

Each day they work their beat(s), all Patrol Specials and Assistants shall report on and off duty in person to the Platoon Commander of the district to which they are primarily designated to allow a CAD entry to be made documenting their status. If they are scheduled to work multiple beats in multiple districts during the same shifts, they shall minimally notify the station keeper(s) of the other affected district(s) that they are on duty after making the initial notification in their primary district.

4.26 ON DUTY VEHICLE ACCIDENTS INVOLVING PATROL SPECIALS OR ASSISTANTS

Patrol Special Officers and Assistant Patrol Special Officers shall notify Communications if they are involved in a motor vehicle accident while on duty. They shall also notify the on-duty Platoon Commander of the district police station they are assigned to. A Patrol Special Officer or Assistant Patrol Special Officer involved in an on-duty vehicle accident shall remain at the scene until a supervisory officer has responded and conducted his or her investigation.

Section 5

PROHIBITED ACTIVITIES

5.01 ENGAGING IN OTHER DUTIES

Patrol Specials and Assistant Patrol Specials shall not, while on duty, engage in any duties except as required by contractual obligations, or in accordance with Penal Code section 723.

5.02 TRAFFIC STOPS

Patrol Specials and Assistant Patrol Specials shall not make traffic stops.

5.03 CITATIONS

Patrol Specials and Assistant Patrol Specials shall not issue citations.

5.04 VEHICLE PURSUITS

Patrol Specials and Assistant Patrol Specials shall not operate their vehicle in other than a safe and defensive manner, complying fully with the California Vehicle Code. Patrol Specials and Assistant Patrol Specials shall not engage in vehicular pursuits.

5.05 TRANSPORTING PRISONERS

Patrol Specials and Assistant Patrol Specials shall not transport prisoners.

5.06 UNIFORM AND EQUIPMENT ITEMS DISPLAY OFF DUTY

Patrol Specials and Assistant Patrol Specials shall not wear or use any uniform or equipment item, including weapons, except en route to and from their beats, and while on-duty as a Patrol Special Officer or Assistant Patrol Special Officer in the City and County of San Francisco.

5.07 VEHICLE MODIFICATION

Patrol Specials and Assistant Patrol Specials shall not alter any duty vehicle in any way to allow it to be mistaken for an official law enforcement vehicle, and:

A. Shall obtain the approval of the Chief of Police before modifying the color scheme of any duty vehicle or placing any lettering, emblems, or decals thereon.

B. Shall not equip any duty vehicle with any additional emergency lighting equipment or any siren.

5.08 PROHIBITED FIREARMS

Patrol Specials and Assistant Patrol Specials shall not carry or have in their vehicle any type of shoulder firearm.

5.09 SLEEPING ON DUTY

Patrol Specials and Assistant Patrol Specials shall not sleep while on duty.

5.10 ALCOHOL AND DRUGS

Patrol Specials and Assistant Patrol Specials shall not, while on duty or in uniform, drink or consume any kind of intoxicating liquor. Shall not, while on duty or off duty consume possess or use any controlled substance without a valid prescription. Shall not, while on duty be under the Influence of any prescription or non-prescription drug that impairs the person's ability to carry out their duties.

5.11 FILING SUIT

Patrol Specials and Assistant Patrol Specials shall immediately notify the Commission if they bring suit against the City and County.

5.12 SUBPOENA SERVICE/CIVIL ACTIONS

Patrol Specials and Assistant Patrol Specials shall not serve a subpoena, summons or other paper in a civil action or render any assistance in such case.

5.13 BAIL BOND AGENTS

Patrol Specials and Assistant Patrol Specials shall not furnish information to bail bond agents or to their employees regarding persons arrested, or any investigations made or to be made, or any activity carried on or about to be carried on by the Department, except such as may be required by law. When information is furnished to a bail bond agent or to his employee in accordance with the law, that fact shall be made known immediately to the commanding officer of the district to which they are assigned.

5.14 RECOMMENDING ATTORNEYS

Patrol Specials and Assistant Patrol Specials shall not recommend to any persons the names or employment of any person as an attorney or bail bond agent.

Section 6

UNIFORM AND EQUIPMENT

6.01 UNIFORM AND EQUIPMENT EXPENSE

Patrol Specials and Assistant Patrol Specials shall, at their own expense, provide themselves with all required uniform and equipment items as specified by the Commission.

6.02 UNIFORM AND EQUIPMENT SPECIFICATIONS

A list and description of each article of uniform and equipment prescribed by these Rules and Procedures shall be kept in the office of the Police Commission and all uniform equipment items shall conform to said description. Uniform changes from the previous Rules and Procedures will take effect on January 15, 2009, the operative date of these amended Interim Rules and Procedures.

A. All uniform coats. trousers, cap, shirt, tie, shoes, rain cap cover, rain coat and pants to be of similar material and style as that required and prescribed for regular patrol persons in the San Francisco Police Department with the following exceptions:

1.	BUTTONS:	To be 24-ligne regulation San Francisco Patrol Special NICKEL BUTTONS on pocket flaps, shoulder straps, sleeves and caps.
2.	TROUSER STRIPES:	BLUE SOUTACHE, one-half inch wide on outside seams.
3.	SHIRTS AND JACKETS:	BLUE SOUTACHE epaulettes on both shoulders.
4.	CAP EMBLEM:	Nickel plated.
5.	PATCHES.	Slyer with light blue background. San Francisco Police patch design.
6.	ROCKER:	"PATROL SPECIAL" Silver lettering sewn over uniform patch.
7.	NAME PLATE:	Blue lettering on silver nameplate. First name, initial and full last name.

B. Patrol Specials and Assistant Patrol Specials may, while on duty, be equipped with the following personal property:

1. Revolver (minimum 4-inch barrel) 38 Cal or.357 Magnum caliber loaded with six factory load cartridges, or semi automatic pistol, if qualified pursuant to current Department Certification, loaded with factory cartridges.
2. Cartridge container with extra cartridges.
3. 26" wooden baton.
4. Handcuffs and key.
5. Whistle.
6. Three cell flashlight (or equivalent) In good working order.
7. Memorandum book.
8. Street guide.

9. Call box key.

10. Chemical agent canister (aerosol), if certified by state law.

6.03 DEPARTMENT ISSUED PROPERTY

Patrol Specials and Assistant Patrol Specials shall, while on duty, be equipped with the following Department-issued property:

1. Six-point star.

2. Department identification card.

6.04 DISPLAY OF STAR

Patrol Specials and Assistant Patrol Specials shall, while in uniform, display the six-point star or the outermost garment over the left breast.

6.05 APPEARANCE

Patrol Specials and Assistant Patrol Specials shall be neat and clean in appearance and maintain uniform and equipment in good order and ready for immediate use.

6.06 LOSS OF UNIFORM OR EQUIPMENT

Patrol Specials and Assistant Patrol Specials shall be responsible for the safekeeping and authorized use of their uniform and equipment, and shall promptly make a written report of the loss of any firearm or Department-issued property to Supervising Captain and the Program Administrator.

6.07 JEWELRY AND ORNAMENTS

Shall not wear jewelry or personal ornaments affixed to any part of their uniform or equipment

6.08 RADIO EQUIPMENT

A Patrol Special may enter into an agreement with the Chief of Police permitting the Patrol Special to purchase and install radio equipment for the transmission and receiving of police radio calls on Police Department frequencies. Patrol Specials and Assistant Patrol Specials shall operate or permit to be operated radio equipment installed pursuant to Rule 6.8 only in accordance with Department rules and subject to the control of the Communications Unit.

6.09 VEHICLE INSPECTION

Shall present their duty vehicles for periodic inspection when directed by the Police Commission or the Chief of Police.

DECEMBER 10, 2008 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, DeJesus, Lee, Mazzucco, Onek
ABSENT: Commissioner Marshall
(Commissioner DeJesus arrived at 6:00 p.m.)

PUBLIC COMMENT

Unidentified discussed concerns.

CONSENT CALENDAR

- **Report regarding Provision of Documents to the OCC**

Motion by Commissioner Mazzucco, second by Commissioner Onek. Consent Calendar approved, received, and filed. 4-0.

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REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members and crime trends**

Deputy Chief Shinn talked about current homicides and violence in the city. Chief Shinn also talked about the number of robberies per district.

Deputy Chief Cashman and Commander Murphy updated the Commission in regards to the Violence Reduction plan by the Department.

Commissioner Onek commended the department for the reduction in shootings in every zones. Commissioner Onek also suggested to have one graph for fatal and non-fatal shootings.

PUBLIC COMMENT
None

(The Commission recessed from 7:36 p.m. to 7:45 p.m.)

DISCUSSION AND POSSIBLE ACTION TO ADOPT AN INTERIM RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS

Commissioner Sparks gave a brief background as to how and why the interim rules were developed.

Commissioner DeJesus discussed some of her concerns and questions regarding the interim rules and procedures.

Commissioner Onek commended Commissioners Sparks and Mazzucco for their work in producing the interim rules and procedures and stated that he is supportive of the document.

Commander Tong stated that she is pleased to have the rules and procedures as guidelines to follow.

PUBLIC COMMENT

Hanley Chan, Vice President Patrol Special Officers Association, discussed concerns and protested the interim rules and procedures.

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Scott Hart discussed concerns about disclosure of his clients list.

David Palmer, Assistant Patrol Special, discussed concerns regarding the interim rules and procedures.

Ann Grogan, Glen Park resident, commended PSO Jane Warner and expressed support for the Patrol Special Program and discussed concerns that there were no input from the public.

Commissioner Sparks thanked Ms. Grogan and explained that the interim rules are intended for clarification of the current regulations and not to change the rules.

John Fitzinger, Assistant Patrol Special, discussed how many calls he responds to in one night and discussed concerns regarding change in uniform.

Chief Fong commented on the issue of backgrounds and stated that the Department have contracted with a firm to do the background checks for patrol special officers and suggested that patrol specials should use the same vendor in regards to background checks in order to expedite the process.

Unidentified discussed concerns.

Motion by Commissioner Lee for adoption with modifications as amended. Second by Commissioner Mazzucco. Approved 4-0.

RESOLUTION NO. 73-08

ADOPTION OF INTERIM RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS

RESOLVED, that the Police Commission hereby adopts the Interim Rules and Procedures for Patrol Special Officer and their Assistants, with modifications as amended.

AYES: Commissioners Sparks, DeJesus, Lee, Mazzucco, Onek

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner DeJesus would like a presentation in regards to the Police Activities League (PAL).

PUBLIC COMMENT

Unidentified discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commission Mazzucco, second by Commissioner Onek to hold Closed Session. Approved 5-0.

CLOSED SESSION

a. Discussion and possible action to grant or deny Motion to Dismiss filed in Disciplinary Case Nos. C06-181 JCT, C06-183 JCT, C06-185 JCT, C06-186 JCT, and C06-187 JCT (Resolution No. 74-08)

(PRESENT: Commissioners Sparks, Lee, Mazzucco, Onek, Lieutenant Reilly, Deputy City Attorney Blits)

b. **Discussion and possible action to sustain or not sustain the disciplinary charges filed in Case NO. C08-015** (Resolution No. 75-08)

(PRESENT: Commissioners Sparks, DeJesus, Lee, Mazzucco, Onek, Lieutenant Reilly, Deputy City Attorney Blits, Attorney Stiglich)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 5-0.

Thereafter, the meeting was adjourned at 10:33 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

Police Department

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December 17, 2008

SAN FRANCISCO POLICE COMMISSION

Special Meeting
WEDNESDAY, DECEMBER 17, 2008
6:00 p.m.

Board of Supervisors' Chambers
CITY HALL, ROOM 250
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Theresa Sparks
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

Yvonne Lee
Commissioner

Thomas Mazzucco Commissioner

David Onek
Commissioner

Lt. Joe Reilly
Secretary

Special Joint Meeting Agenda

Board of Supervisors Public Safety Committee and Police Commission

Public Safety Committee Members:
Supervisors Ross Mirkarimi, Sophie Maxwell, Bevan Dufty
Gail Johnson, Clerk

Note: Each item on the consent or regular agenda may include the following documents:

Legislation
Budget Analyst Report
Legislative Analyst Report
Department or Agency cover letter and/or report
Public correspondence
These items will be available for review at City Hall, Room 244, Reception Desk

Each member of the public will be allotted the same maximum number of minutes to speak as set by the chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

AGENDA CHANGES

REGULAR AGENDA

1. 081558 **(Joint Hearing of the Public Safety Committee of the Board of Supervisors and the Police Commission)**

Supervisor Mirkarimi

Joint Hearing of the Public Safety Committee of the Board of Supervisors and the Police Commission to officially receive and discuss Police Executive Research Forum's findings and final report of their Organizational Review of the San Francisco Police Department.

12/9/08, RECEIVED and ASSIGNED to Public Safety Committee
12/11/08, TRANSFERRED to Joint Meeting – Public Safety Committee and Police Commission

ADJOURNMENT

***** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAS BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Commission will hear public comment on all agenda items before or during discussion of the item. The period of time allowed for public comment may be modified by the Chair in the interest of fairness to all those wishing to address the Commission.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)
Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOB MARSHALL
Vice President

DAVID CAMPOS
Commissioner

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

1/31/08
called

The Commission will not meet on Wednesday, DECEMBER 24th AND 31, 2008.

Please join the Commission at its next meeting on Wednesday, January 7, 2009, at 5:30 p.m. City Hall, Room 400

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SAN FRANCISCO POLICE COMMISSION AGENDA

SPECIAL MEETING
MONDAY, DECEMBER 29, 2008
6:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. Announcement by the Chief of Police of her intent to retire (DISCUSSION ONLY)

2. Public Hearing to discuss process of selecting the next Chief of Police for the San Francisco Police Department (DISCUSSION ONLY)

3. Discussion and possible action to initiate a search for candidates for Chief of Police (ACTION ITEM)

4. Commission Comments and Announcements (DISCUSSION ONLY)

5. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

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PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

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The proceeding will be held at: City Hall, Room 263
31 Dr Carlton B. Goodlett Place, San Francisco

Accessible MUNI lines serving this location is: 49 Van Ness;Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

DECEMBER 29, 2008 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco met in Room 416, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, for a Special Meeting, at 6:13 p.m.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek

(Commissioner Lee arrived at 7:07 p.m.)

ANNOUNCEMENT BY THE CHIEF OF POLICE OF HER INTENT TO RETIRE

Chief Fong formally advised the Commission of her intention to retire after the completion of her fifth year as Chief of Police.

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Commissioner Onek thanked and commended Chief Fong for her years of outstanding service to the City.

Commissioner Mazzucco thanked and commended Chief Fong her years of service to the City and County of San Francisco.

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Commissioner Sparks thanked Chief Fong for bringing a sense of calm and integrity to the Department and for her service to San Francisco.

Commissioner DeJesus thanked Chief Fong for her service to San Francisco.

Commissioner Marshall thanked Chief Fong for her service to San Francisco.

PUBLIC COMMENT

Francisco DeCosta thanked the Chief for her leadership and stated that he looks forward to the new Chief to have the same high standards as Chief Fong.

Ernestine Weiss commended Chief Fong for her honesty, friendship, and her leadership.

Peter Cherneff discussed concerns.

David Villalobos thanked and commended Chief Fong for her support and her work with the Tenderloin community.

Martha Stein thanked the Chief for her work with the community.

Howard Woo congratulated Chief Fong for her coming retirement.

Douglas Yep thanked Chief Fong for her service to the City and the Department.

PUBLIC HEARING TO DISCUSS PROCESS OF SELECTING THE NEXT CHIEF OF POLICE FOR THE SAN FRANCISCO POLICE DEPARTMENT

Deputy City Attorney Katie Porter described the process of selecting a new Chief of Police. Ms. Porter stated that per the Charter, the Mayor appoints the new Chief of Police from a list of nominees, three or more qualified candidates, sent over by the Commission. She also stated that there is no Charter process that dictates as to how the Commission goes about selecting the candidates that it refers to the Mayor. With the approval of the Mayor, the Commission can send fewer than three names to the Mayor. When the Commission sends the names to the Mayor, the Mayor is not required to select one of those individuals and appoint them as the new Chief . Instead, the Mayor can refer the matter back to the Commission for an additional list of

names.

Commissioner Sparks asked the City Attorney for an opinion in regards to the MOU and what it would take to reopen the MOU in regards to a five-year contract for the position of Chief of Police.

PUBLIC COMMENT

Francisco Decosta expressed support for a Charter amendment to have the position of Chief of Police in a five-year contract.

Ernestine Weiss expressed concern that to have a good Chief, he or she should be given the resources to do the job right.

Howard Woo asked that the Chief be hired from within the Department.

David Villalobos stated that he hopes the Mayor does not influence the decision made by the Commission.

Richard Johnson asked that as the Commission moves forward with the hiring of the new Chief, that community policing be moved forward.

Barbara Growth discussed concerns.

Commissioner Marshall expressed concern regarding the impact of this to the Commission's schedule as far as getting this matter done in a timely manner.

DISCUSSION AND POSSIBLE ACTION TO INITIATE A SEARCH FOR CANDIDATES FOR CHIEF OF POLICE

Ms. Alice Villagomez, Director of Human Resources, talked about the prequalified search firms available for use of the Commission through the Controller's Office. Ms. Villagomez stated that the process for the selection of a search firm and the development of the criteria for an ideal candidate for Police Chief would be subject to the budgetary availabilities of the Department and funds to be identified to fund the search. Ms. Villagomez stated that the approximate cost will be around $50,000 with the approval of the Department of Human Resources and if it goes over $50,000, the approval of the Civil Service Commission is needed.

PUBLIC COMMENT

None

COMMISSION COMMENTS AND ANNOUNCEMENTS

Commissioner Sparks talked about the different things that are coming up for the Commission:

- Steering Committee starting the 2nd week of January to start talking about implementation and that she has asked Commissioner Onek to take the lead on this to start talking about implementation of the new recommendations.

- Commissioner Mazzucco to be involve with study regarding Patrol Specials.

- Commissioner Lee to work with some of the details regarding process for search of new Chief of Police.

- Commissioner DeJesus to oversee search for new Police Commission Secretary.

Commissioner Lee commended Chief Fong and congratulated her on her future retirement.

Commissioner DeJesus suggested that stakeholders like Captains of Police be interviewed to develop criteria for Chief of Police position.

Commissioner Mazzucco thanked union members who are present and stated that the Commission would like to hear from them as they are stakeholders and Commissioner Mazzucco asked district captains to meet with members under their to command to explain the process for search of new Chief of Police.

Commissioner Marshall would like to see a list of accomplishments made by the Commission for the year 2008.

Commissioner Sparks thanked Lieutenant Reilly for his work and dedication as Commission Secretary.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Onek, second by Commission Mazzucco. Approved 6-0.

Thereafter, the meeting was adjourned at 7:41 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

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